



THE RULES DIGEST

December
2016

Scheduled for Committee review
Tuesday, December 13, 2016
Room #116

Reference
XXXVIII IAB No. 10 (11/09/16)
XXXVIII IAB No. 11 (11/23/16)

HIGHLIGHTS IN THIS ISSUE:

VITAL RECORDS, <i>Public Health Department</i>	1
ANIMAL FEEDING OPERATIONS, <i>Environmental Protection Commission</i>	3
TURTLE HARVESTING, <i>Natural Resource Commission</i>	4

Public Health Department

10:25

Iowa newborn screening program, 11/23/16 IAB, ARC 2819C, NOTICE.

The department director has accepted a recommendation from the Congenital and Inherited Disorders Advisory Committee to discontinue the practice of storing and releasing residual newborn screening specimen for external research use without informed consent. These proposed rules rescind the requirement of the department to establish policies and procedures that would allow a parent or guardian the ability to provide informed consent prior to the release of a newborn's residual newborn screening specimen for research purposes.

The proposed rules make it the responsibility of the investigator of the proposed research to obtain informed consent from the parent or guardian for the release of the newborn's specimen. Information about such specimens can only be released to the extent that the information is necessary to perform research authorized by the department. The proposed rules make additional technical changes relating to the Iowa Newborn Screening Program as well.

Public Health Department

10:25

Vital records, 11/23/16 IAB, ARC 2821C, NOTICE.

These proposed rules clarify restrictions on creating an alternative system for the registration of vital statistics, remove restrictions regarding obtaining vital records from the county level and clarify that the intent of existing rules is to prohibit the

establishment of another official system of registration of vital statistics—not to prohibit, for example, the routine publication of vital records information such as births in a local newspaper.

Pharmacy Board

10:45

Universal practice standards—opioid antagonists, epinephrine auto-injectors, 11/23/16 IAB, ARC 2827C, FILED EMERGENCY AFTER NOTICE.

This rulemaking implements 2016 Iowa Acts, Senate File 2218, as amended by House File 2460, division XIV, which permits the possession and administration of opioid antagonist medications by certain eligible persons and allows the distribution of such medications by pharmacists pursuant to a standing order or collaborative agreement or pursuant to a prescription issued in the name of a law enforcement agency, fire department, or emergency medical service program. Opioid antagonists are medications that can block the effects of drug overdoses.

Revenue Department

10:50

Historic preservation and cultural and entertainment district tax credit, 11/09/16 IAB, ARC 2806C, NOTICE.

These proposed rules govern the administration of the Historic Preservation and Cultural and Entertainment District Tax Credit Program. 2016 Iowa Acts, House File 2443, division V transferred primary responsibility for administration of the program for all projects registered on or after August 15, 2016, from the Department of Cultural Affairs to the Economic Development Authority. IEDA will administer the tax credit portion of the program, while DCA will review the historic components of the project applications. House File 2443 also retroactively made the tax credit refundable in the hands of a transferee and provided a five-year carryforward period for nonrefundable tax credits.

In response to program user feedback, the proposed rules also provide more detail on the parameters for transferring tax credits and update language on when a taxpayer may claim the tax credit to provide more flexibility to program users.

For proposed rules related to the historic preservation and cultural and entertainment district tax credits and other related information, see Economic Development Authority Notice of Intended Action ARC 2774C (IAB 10/12/16).

Treasurer of State

11:00

Unclaimed property, 11/09/16 IAB, ARC 2809C, ADOPTED.

This rulemaking rescinds and rewrites the Treasurer's rules relating to unclaimed property, primarily for the purpose of addressing changes that will be implemented in providing an online claims process for Great Iowa Treasure Hunt claimants. The rulemaking also provides other revisions, updates, and clarifications to unclaimed property rules.

These rules address dormancy fees for unclaimed property; reporting requirements for various forms of property; documentation, approval, and payment of claims; and other matters. The Treasurer made a number of changes to the noticed language in response to public comments received. Such changes include not adopting proposed rules relating to reporting of property owed to beneficiaries, calculation and payment of owner entitlements to interest, and substantive interpretation, and retaining existing language on examination of holders, estimation, appeal of examination findings, reporting of individual retirement accounts, and contract auditors.

Environmental Protection Commission

11:50

Animal feeding operations, 11/09/16 IAB, ARC 2798C, ADOPTED.

This rulemaking makes a variety of changes to the commission's rules on animal feeding operations.

The rulemaking implements four pieces of legislation: 2012 Iowa Acts, SF 2172 (swine farrowing and gestating operations); 2012 Iowa Acts, HF 2292 (fish production facilities); 2013 Iowa Acts, House File 512 (small animal feeding operations); and 2015 Iowa Acts, House File 583 (animal truck wash facilities).

The rulemaking allows solids from open feedlot operations to be regulated by the Department of Agriculture and Land Stewardship as bulk dry animal nutrient products.

The rulemaking also clarifies requirements in rules and rescinds unnecessary and outdated rules, lists, and Internet addresses as part of Department of Natural Resources' five-year rules review plan pursuant to Iowa Code §17A.7(2). Some of the changes include a revised definition of "public use area;" an updated listing of Iowa lakes; clarification regarding which structures are to be used for measuring separation distances;

clarification of the scope of any landowner waiver of a separation distance; and additional language regarding NPDES permit requirements to be consistent with federal regulations.

Natural Resource Commission

12:05

Turtle harvesting, 11/09/16 IAB, ARC 2802C, NOTICE.

These proposed rules implement 2016 Iowa Acts, House File 2357 by establishing commercial and recreational seasons and daily catch limits on turtles. Pending results of a five-year study required by HF 2357, the commission has determined that commercial and recreational harvest can continue so long as egg-laying females are protected during most of their nesting season and with restrictive daily catch and possession limits.

The proposed rules permit commercial and recreational hunting of spiny softshell, smooth softshell, and painted turtles from July 16 to May 14. The rules permit commercial hunting of common snapping turtles from July 16 to May 14 and recreational hunting year-round. The rules set daily catch limits of four common snapping turtles, one spiny softshell or smooth softshell turtle, and one painted turtle. The rules set commercial possession limits of 20 common snapping turtles, five spiny softshell or smooth softshell turtles, and five painted turtles.