



MINUTES

APRIL 2024 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Mike Klimesh, Chair
Senator Nate Boulton
Senator Mike Boussetot
Senator Cindy Winckler

Representative Amy Nielsen
Representative Rick L. Olson
Representative David E. Young

EX OFFICIO, NONVOTING MEMBER: Nate Ristow, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Kate O'Connor, Division Editor/Supervisor, 515.281.6329

BULLETINS NEEDED FOR THIS MEETING: 3/20/24

Procedural Business

Senator Klimesh convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10:05 a.m. on Monday, April 8, 2024, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the March 11, 2024, meeting were approved. Mr. Ewing explained that the May or June meeting would need to be a three-bulletin meeting. Committee members stated that May should be the three-bulletin meeting. The next meeting was scheduled for Monday, May 6, 2024, at 11:00 a.m. The meeting was adjourned at 10:30 a.m.

Fiscal Overview

Mr. Chris Ubben, Division Editor/Supervisor, presented the LSA fiscal report.

CULTURAL AFFAIRS DEPARTMENT

Representing the agency: Lisa Connell

ARC 7721C (NOIA), Agency Reorganization, Chs. 1-4

No discussion on ARC 7721C.

HISTORICAL DIVISION

Representing the agency: Lisa Connell

ARC 7722C (NOIA), Agency Reorganization, Chs. 3-6, 46

No discussion on ARC 7722C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

PUBLIC SAFETY DEPARTMENT

Representing the agency: Josie Wagler

ARC 7723C (NOIA), Motor Carrier Safety, Hazardous Materials — Adoption by Reference of Federal Regulations, Rule 22.1(1)
No discussion on ARC 7723C.

MEDICINE BOARD

Representing the agency: Jill Stuecker, Lief Olson

ARC 7720C (AF), Standards of Practice and Principles of Medical Ethics—Abortion, Rule 13.17

Committee members asked for more information about the effective date of the rulemaking. Members stated that the published effective date of April 24, 2024, is inappropriate given that litigation on the underlying legislation is still pending. Mr. Olson explained that the injunction on the underlying legislation specifically permitted rulemaking to implement the bill to be carried out. He further explained that the board will not be able to implement the rules until the litigation is resolved.

Committee members referenced a recent court decision that occurred in Alabama after the underlying legislation was enacted which concerned in vitro fertilization and embryos. Members noted the rulemaking refers to embryos. Members stated the rulemaking could be interpreted to apply to frozen embryos and thus a person could be subject to discipline by the board relating to a frozen embryo. Members stated it is unfortunate that the underlying legislation did not use correct medical terminology and that the rulemaking will become effective before the litigation is resolved.

No action taken on ARC 7720C.