



## Fiscal Services Division

### ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

November 12, 2019

Iowa Code section 17A.4(4) requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at <https://www.legis.iowa.gov/publications/fiscal/adminRulesFiscalImpact>.

With each rule summary, the 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).

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#### Office of the Chief Information Officer

#### Rule Summary

Establishes procedures by which persons may petition the Office for a waiver or variance, on a case-by-case basis, from administrative rules promulgated by the Office, pursuant to Iowa Code section 17A.9A.

**State or Federal Law Implemented:** Iowa Code chapter 8B and section 17A.9A.

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**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

## ARC 4711C (NOIA)

**Rule Summary**     Sets forth methods the Office of the Chief Information Officer (OCIO) may use to procure information technology devices and services on behalf of the State, including the establishment of information technology agreement and prequalification processes. Establishes the related decisional framework governing how to decide which acquisition method to deploy including dollar thresholds and related conditions and methods under and by which participating agencies may procure information technology directly. Establishes processes requiring participating agencies to seek and obtain the OCIO's approval before procuring information technology directly as required by Iowa Code section 8B.23(2).

**State or Federal Law Implemented:** Iowa Code chapter 8B.

**Fiscal Impact**     **Agency Response:** The Office estimates that this rulemaking will have an undetermined positive fiscal impact by reducing transactions costs to the State and other governmental entities.

**LSA Response:** Fiscal impact cannot be determined. At this time, the LSA does not have sufficient information to determine the nature of any potential fiscal impact.

## ARC 4712C (NOIA)

**Rule Summary**     Establishes definitions and guidelines regarding the Office of the Chief Information Officer and its role in information technology governance. Establishes the office's process for developing and promulgating information technology policies, standards, processes, procedures, and guidelines, with appropriate stakeholder input; related assessment and enforcement processes and procedures; and a uniform process for the granting of information technology waivers requested by a participating agency from such information technology governance requirements.

**State or Federal Law Implemented:** Iowa Code chapter 8B.

**Fiscal Impact**     **Agency Response:** The office estimates that this rulemaking is likely to have no fiscal impact, but may have a positive fiscal impact.

**LSA Response:** Fiscal impact cannot be determined. At this time, the LSA does not have sufficient information to determine the nature of any potential fiscal impact.

## ARC 4730C (NOIA)

**Rule Summary**     Establishes a process by which vendors may challenge the Office of the Chief Information Officer's or participating agency's administration of competitive selection processes, prequalification processes, or reverse auction processes administered by the Office or by participating agencies as authorized by the Office.

**State or Federal Law Implemented:** Iowa Code chapter 8B.

**Fiscal Impact**     **Agency Response:** The Office estimates that these rules will have a positive fiscal impact. Providing a streamlined and efficient process for vendors to identify material deficiencies in procurement processes administered by the State will help to ensure compliance with enterprise information technology standards and requirements, result in positive and beneficial procurement outcomes, and help to reduce fraud, waste, and abuse.

**LSA Response:** Fiscal impact cannot be determined. At this time, the LSA does not have sufficient information to determine the nature of any potential fiscal impact.

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## Department of Commerce/Alcoholic Beverages Division

### ARC 4688C (NOIA)

**Rule Summary** Rescinds a rule which prohibited a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages from having any interest, whether direct or indirect, in the ownership, conduct, or operation of another licensee or permittee authorized to sell at retail.

**State or Federal Law Implemented:** Iowa Code sections 123.45 and 123.186 and 2019 Iowa Acts, House File 668 (Alcoholic Beverages, Three-Tier System Reform Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Real Estate Appraiser Examining Board

### ARC 4707C (AF)

**Rule Summary** Fixes inaccurate statements based on previously adopted rules and amends the language to be in compliance with minimum standards of the Appraisal Foundation's Appraiser Qualifications Board 2018 Real Property Appraiser Qualification Criteria.

**State or Federal Law Implemented:** Iowa Code chapter 543D.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 4708C (AF)

**Rule Summary** Implements changes providing for expedited licensure for spouses of active duty members of the military forces of the United States and prohibiting the suspension or revocation of a license issued by the Board to a person who is in default or delinquent on repayment or a service obligation under federal or State postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency. Reflects the Board's recent relocation from the Professional Licensing and Regulation Bureau to the Division of Banking by incorporating additional standard agency and licensing board chapters.

**State or Federal Law Implemented:** Iowa Code chapter 543D; 2019 Iowa Acts, Senate File 304 (Licenses, Student Loan Delinquency Act); and 2019 Iowa Acts, House File 288 (Licensure Reciprocity for Military Spouses and the Injured Veterans Grant Program Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Historical Division

### ARC 4721C (NOIA)

**Rule Summary** Clarifies which documents retain confidential status after transfer to the State archives; defines "Ancient Records" and establishes the accessibility of these records; and adds

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vital statistics as a record series covered under public records rules and identifies when these records become public records.

**State or Federal Law Implemented:** Iowa Code sections 22.16 and 144.43(3)(b).

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Economic Development Authority

### ARC 4723C (NOIA) & ARC 4724C (AFE)

**Rule Summary** Implements changes to the Workforce Housing Tax Incentive Program (WHTIP) enacted in 2019 Iowa Acts, chapter 159 (Broadband and Workforce Housing Act). Division III of that Act increases the annual maximum tax credit awards under the WHTIP by \$5.0 million (FY 2020 and after) and also creates additional incentives for a new WHTIP category of housing projects, the Disaster Recovery Housing Program.

Amends the definition of a “small city,” defines Disaster Recovery Housing projects, establishes the eligibility requirements for tax incentives under the Disaster Recovery Housing Program, and describes the application process, the award process, and the administration of the WHTIP.

**State or Federal Law Implemented:** 2019 Iowa Acts, chapter 159 (Broadband and Workforce Housing Act).

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. Although the rulemaking has no fiscal impact, the legislation associated with it does. This rulemaking implements 2019 Iowa Acts, chapter 159 (Broadband and Workforce Housing Act). The Fiscal Note for HF 772 estimated that the tax credit changes would reduce net General Fund revenue by the following annual amounts:

- FY 2020 = \$2.2 million
- FY 2021 = \$4.9 million
- FY 2022 = \$8.2 million
- FY 2023 = \$7.2 million
- FY 2024 = \$5.0 million
- FY 2025 and after = \$4.8 million

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## Iowa Finance Authority

### ARC 4729C (NOIA)

**Rule Summary** Implements 2019 Iowa Acts, chapter 161 (Beginning Farmer Tax Credit Act). This rulemaking establishes the Program and sets forth the eligibility criteria for eligible taxpayers and qualified beginning farmers, the requirements of an agricultural lease agreement upon which the tax credit is based, the process to be followed when a lease is amended, the application process and the required content of the tax credit application, and the procedure for calculating tax credit awards.

Also updates outdated statutory references and amends the Beginning Farmer Loan Program eligibility criteria and related definitions to clarify the differences between the Beginning Farmer Loan Program and the Beginning Farmer Tax Credit Program.

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**State or Federal Law Implemented:** 2019 Iowa Acts, chapter 161 (Beginning Farmer Tax Credit Act).

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. Although the rulemaking itself has no fiscal impact, the legislation associated with it does. This rulemaking implements 2019 Iowa Acts, chapter 161 (Beginning Farmer Tax Credit Act). That Act replaced the existing Agricultural Asset Transfer Tax Credit with a new Beginning Farmer Tax Credit beginning January 1, 2019. The Fiscal Note for the Act estimated that the tax credit changes would reduce net General Fund revenue by the following annual amounts:

- FY 2020 = \$0.4 million
- FY 2021 = \$1.4 million
- FY 2022 = \$2.5 million
- FY 2023 = \$3.0 million
- FY 2024 = \$3.3 million
- FY 2025 = \$3.4 million
- FY 2026 = \$3.6 million
- FY 2027 and after = \$3.8 million

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## Department of Education

**Rule Summary**     ARC 4682C (NOIA)  
Clarifies the conditions under which a school district or accredited nonpublic school may use community college courses to meet offer-and-teach requirements and modifies an existing subrule.

**State or Federal Law Implemented:** 2019 Iowa Acts, chapter 164 (Concurrent Enrollment Functions and Funding Act).

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**     ARC 4683C (NOIA)  
Implements SF 603 (Concurrent Enrollment Functions and Funding Act) that allows direct contracts between an accredited nonpublic school and a community college to provide concurrent enrollment coursework. Clarifies part-time and full-time enrollment through concurrent enrollment and the postsecondary enrollment options program and when it is permissible for a school district to provide access to community college coursework through the postsecondary enrollment options program. Defines the ways in which school districts and community colleges may offer Project Lead the Way courses.

**State or Federal Law Implemented:** 2016 Iowa Acts, chapter 1108, section 61; 2019 Iowa Acts, chapter 164; and SF 603 (Concurrent Enrollment Functions and Funding Act).

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. Although the rulemaking has no fiscal impact, the legislation associated with it does. House File 758 (FY 2020 Education Appropriations Act) included an appropriation of \$1.0 million from the General Fund in FY 2020 for nonpublic school concurrent enrollment to community colleges.

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### ARC 4684C (NOIA)

**Rule Summary** Creates policies for the Career Academy Incentive Fund, which was established through the reauthorization of the Secure an Advanced Vision for Education (SAVE) Fund in HF 546 (Secure an Advanced Vision for Education, Extension Act).

**State or Federal Law Implemented:** 2019 Iowa Acts, Chapter 166.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. Although the rulemaking itself does not have a fiscal impact, the legislation associated with it does. HF 546 provides for a \$1.0 million appropriation to the Career Academy Fund from the SAVE Fund.

### ARC 4685C (NOIA)

**Rule Summary** Removes references to the former local option sales and services tax for school infrastructure, which was ended effective July 1, 2008. Adds requirements pertaining to the request for a certificate of need, which is required for smaller districts to expend funds received from the Secure an Advanced Vision for Education (SAVE) Fund. Updates an Iowa Code citation and changes references from the former budget guarantee to the budget adjustment.

**State or Federal Law Implemented:** Iowa Code chapters 423E and 423F, and 2019 Iowa Acts, ch 166 (Secure an Advanced Vision for Education, Extension Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 4686C (NOIA)

**Rule Summary** Makes the following changes to Chapter 97:

- Adds accredited nonpublic schools to the definition of supplant, which applies to concurrent enrollment coursework and clarifies that supplementary weighting applies only to Iowa resident students.
- Implements changes to eligibility for supplementary weighting pertaining to public school students attending community-college offered coursework.
- Implements changes to the time period for district eligibility for whole grade sharing supplementary weighting.
- Makes changes to the items required by the Department of Education (DE) for the report of progress that districts are required to submit when requesting year 2 and year 3 of whole-grade sharing supplementary weighting.
- Creates a weighting for accredited nonpublic schools that access concurrent enrollment coursework through an agreement directly with a community college.

**State or Federal Law Implemented:** 2019 Iowa Acts, chapter 101; 2019 Iowa Acts, chapter 164 (Concurrent Enrollment Functions and Funding Act); and 2019 Iowa Acts, chapter 135 (FY 2020 Education Appropriations Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. While the rulemaking itself does not have a fiscal impact, the legislation it implements does. The estimated fiscal impact to the General Fund by extending whole-grade sharing until FY 2024 is currently unknown and will be based on the number of districts eligible to receive supplementary weighting. For more information, see the **Fiscal Note**.

Additional concurrent enrollment weightings for accredited nonpublic schools may be used to generate payments to community colleges subject to an appropriation to the DE. In FY 2020, the General Assembly appropriated \$1.0 million from the General Fund

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to the DE for accredited nonpublic school concurrent enrollments. For more information, see the ***Fiscal Note***.

### **ARC 4687C (NOIA)**

**Rule Summary** Corrects a nonsubstantive reference to the Iowa Code, adds additional stipulations for use of tax revenues generated through the statewide sales and services tax for school infrastructure, and clarifies that operating transfers from the school nutrition fund are permitted to claim indirect costs.

**State or Federal Law Implemented:** Iowa Code chapters 283A, 298A, 423E, and 423F and 2019 Iowa Acts, chapter 166 (Secure an Advanced Vision for Education, Extension Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### **ARC 4700C (AF)**

**Rule Summary** Amends administrative rules related to the Gap Tuition Assistance Program to reflect statutory changes enacted in 2019 Iowa Acts, HF 758 (FY 2020 Education Appropriations Act). Modifies eligibility criteria by reducing the number of months, from six to three, for which an applicant is required to provide evidence of family income and adds a life-changing event as a qualifying eligibility factor. Gives community colleges discretion to approve an eligible applicant for funding in more than one eligible program and allows for greater flexibility in the assessment used to evaluate the skills and competencies of individuals applying for assistance. Authorizes the Iowa Department of Education, in consultation with the community colleges, to redistribute available funds to ensure efficient operation of the Gap Tuition Assistance Program to target regions experiencing greater demand for services.

**State or Federal Law Implemented:** 2019 Iowa Acts, HF 758.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. The Gap Tuition Assistance Program is funded by an annual State General Fund appropriation. For FY 2020, HF 758 appropriated a total of \$2.0 million to the Program.

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## Environmental Protection Commission

### **ARC 4689C (NOIA)**

**Rule Summary** Amends the definition of “common ownership” to replace the term “majority” with the phrase “10 percent or more.” This means that a person, business, or any other ownership entity subject to Iowa Code chapter 459 would be considered a common owner if there is an ownership interest of 10 percent or more of two or more facilities located within the regulated separation distances of one another. This ensures that the ownership structures of confinement feeding operations are adequately addressed and operations that should submit manure management plans and construction permits are doing so.

**State or Federal Law Implemented:** Iowa Code section 459.103.

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. There will be a minimal increase in permit fees, indemnity fees, and compliance fees submitted to the Department of Natural Resources (DNR) as there may be more confinement feeding operations that are required to submit a manure management plan and/or a construction permit application.

The DNR estimates there will be 12 additional facilities required to submit an application, and the increase in fees is estimated at \$8,600.

There are no increases in costs to the Department associated with implementing the proposed rule. Department employees who currently oversee manure management plans and construction permits will continue to do so, and no additional personnel will be needed.

There will be a minimal impact to a few facilities each year that previously would not have been required to submit a manure management plan and/or construction permit application, but will now be required to do so. The increased expenses would include consulting costs as well as permit, compliance, and indemnity fees. The DNR estimates there will be 12 additional facilities and the increase in costs to the facilities would be \$4,700.

**LSA Response:** The LSA concurs.

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**Professional Licensure Division**

**Rule Summary** **ARC 4690C (NOIA)**  
Updates frequency of training for child abuse and dependent adult abuse mandatory reporters for Board of Athletic Training to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). Also removes a reference to a rescinded rule.

**State or Federal Law Implemented:** Iowa Code sections 232.69 and 235B.16.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4702C (AF)**  
Updates approval processes for testing eligibility for the Board of Physical and Occupational Therapy to conform to the Federation of State Boards of Physical Therapy's Alternative Approval Pathway initiative. Includes updates to the procedure for requesting special accommodations as well as clarification and score updates for foreign-trained applicants.

**State or Federal Law Implemented:** Iowa Code chapters 147, 147C, and 148A.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4727C (NOIA)**  
Implements the following 2019 Iowa Acts for the Board of Social Work:

- Chapter 83 (Continuing Education — Online Credits Act) prohibits the Board from limiting the number of hours of continuing education licensees can earn online.
- Chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act) that updates frequency of training for child abuse and dependent adult abuse mandatory reporters.

**State or Federal Law Implemented:** 2019 Iowa Acts, chapters 83 and 91.

**Fiscal Impact** **Agency Response:** No fiscal impact.



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**LSA Response:** The LSA concurs.

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## Board of Medicine

### **ARC 4714C (AF)**

**Rule Summary** Amends the standards of practice for appropriate pain management, references the U.S. Centers for Disease Control and Prevention (CDC) Guideline for Prescribing Opioids for Chronic Pain, requires a physician to register with the Iowa Prescription Monitoring Program (PMP) at the same time the physician applies to register or renews registration to prescribe controlled substances as required by the Iowa Board of Pharmacy, requires a physician or the physician's designated agent to utilize the PMP prior to issuing an opioid prescription, requires the use of an electronic prescription beginning January 1, 2020, and makes it a ground for discipline if a physician prescribes opioids in dosage amounts exceeding what would be prescribed by a reasonably prudent physician in the State acting in the same or similar circumstances.

**State or Federal Law Implemented:** 2018 Iowa Acts, ch. 1138 (Opioid Regulation Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### **ARC 4728C (AF)**

**Rule Summary** Revises several requirements and procedures for licensure of genetic counselors.

**State or Federal Law Implemented:** Iowa Code chapter 148H.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Board of Pharmacy

### **ARC 4691C (NOIA)**

**Rule Summary** Establishes the process a limited distributor, wholesale distributor, or third-party logistics provider (3PL) would use to notify the Board of a change in facility manager, and makes a technical correction.

**State or Federal Law Implemented:** Iowa Code sections 147.76, 155A.17, 155A.17A, 155A.40, and 155A.42.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### **ARC 4692C (NOIA)**

**Rule Summary** Temporarily places six synthetic cathinones into Schedule I of the Iowa Controlled Substances Act in conformance with scheduling action of the same nature by the federal Drug Enforcement Administration.

**State or Federal Law Implemented:** Iowa Code section 124.201.

**Fiscal Impact** **Agency Response:** No fiscal impact.

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**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4693C (NOIA)**  
Implements 2008 Iowa Acts chapter 1058, section 12 (Administration and Regulation of Miscellaneous Health-Related Activities Act), rules for expedited partner therapy. Permits a pharmacist to fill a non-patient-specific prescription for an unnamed partner or partners to treat a sexually transmitted chlamydia or gonorrhea infection.

**State or Federal Law Implemented:** Iowa Code section 139A.41.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4694C (NOIA)**  
Permits one pharmacy to provide prescription drug order information to another pharmacy for a noncontrolled substance prescription for the purpose of providing a patient with a three-day supply of continuing medication without the process constituting a complete transfer of the entire prescription.

**State or Federal Law Implemented:** Iowa Code section 147.76.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4695C (NOIA)**  
Updates the following:

- Replaces the phrase “tech-check-tech programs” with “technician product verification programs.”
- Requires a nonresident pharmacy applicant to identify a registered agent located in Iowa.
- Extends the time frame in which a pharmacy must respond to a request for records from 48 to 72 hours.
- Updates the exemption for pharmacy notification requirements in the event of an unforeseeable closure to allow the Executive Director discretion in waiving the requirements.
- Rescinds and replaces section on the delivery of prescription drugs and devices by a pharmacy.

**State or Federal Law Implemented:** Iowa Code sections 147.76, 155A.13, 155A.13A, 155A.19, and 155A.33A.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4701C (AF)**  
Identifies all registered pharmacy employees as authorized dispensers of pseudoephedrine products.

**State or Federal Law Implemented:** Iowa Code section 124.212B.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Department of Transportation

**Rule Summary** ARC 4681C (NOIA)  
Requires insurance carriers to implement electronic submission of proof of financial responsibility and cancellation of future proof of financial responsibility no later than July 1, 2021. Insurance carriers may use a trusted third-party website or implement a system that directly communicates with the Department's driver's license record system (ARTS). Also updates the contact information for the Driver and Identification Services Bureau, removes unnecessary language, corrects terminology, corrects form numbers, and includes or corrects form names for consistency.

**State or Federal Law Implemented:** Iowa Code chapters 321A and 325A.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 4715C (NOIA)  
Allows a person, upon turning 21 years of age, to electronically apply for a replacement driver's license or nonoperator's identification card for the unexpired months of the credential.

**State or Federal Law Implemented:** Iowa Code sections 321.189 and 321.190, and 2019 Iowa Acts, chapter 76 (Driver's License Electronic Renewal Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. While the rulemaking itself does not have a fiscal impact, the net annual fiscal impact (positive impact of \$140,000 for the Statutory Allocations Fund and negative impact of \$109,000 for the Road Use Tax Fund) of all eligible drivers applying for renewal upon turning 21 years of age could be up to \$31,000.

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### Department of Inspections and Appeals

**Rule Summary** ARC 4731C (AF)  
Makes several changes including but not limited to correcting the date reference to the Food and Drug Administration Food Code and reinstating several provisions related to double licenses. Adds a confidentiality provision related to complainants who file a complaint with the Department's Food and Consumer Safety Bureau. Implements changes resulting from the enactment of 2019 Iowa Acts, Senate File 265 (Golden Oyster Mushroom, Farmers Market Sale Act), which requires the Department to adopt rules for the sale at a farmers market of culinary mushrooms commonly referred to as a variety of wild oyster. Adopts a definition of "wild-harvested mushroom" and amends the requirements related to the wild-harvested mushroom identification course required to obtain certification as a wild-harvested mushroom identification expert.

**State or Federal Law Implemented:** Iowa Code sections 137F.2 and 10A.104 and 2019 Iowa Acts, Senate File 265.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 4732C (AF)  
Implements changes resulting from 2018 Iowa Acts, Senate File 2333 (Amusement Concession Act), which increased the value of a prize that may be awarded for playing

an amusement concession to \$950. Clarifies that rules made available electronically at each player's location must be accessible to the player before the player forfeits money to play the game.

**State or Federal Law Implemented:** Iowa Code chapter 99B and 2018 Iowa Acts, Senate File 2333.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Agriculture and Land Stewardship**

**ARC 4697C (NOIA)**

**Rule Summary**      Allows the Department of Agriculture and Land Stewardship (DALs) to participate in the United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) Cooperative Interstate Shipment (CIS) Program. Provides the opportunity for State-inspected meat and poultry establishments to develop new markets for their products. State-inspected plants continue to operate under State inspection laws but adhere to federal food safety standards. As a result, they can distribute their products through interstate commerce.

The CIS guidelines are limited to firms with 25 or fewer employees. A study by Dave Swenson at Iowa State University stated that the 2016 County Business Patterns reported 60.0% of the slaughter and meat processing plants in Iowa have fewer than 25 employees.

**State or Federal Law Implemented:** Iowa Code chapter 189A.

**Fiscal Impact**      **Agency Response:** Anticipated costs are one-time expenditures that include staff training and laboratory equipment purchases to meet federal standards. Federal grant dollars are being utilized for equipment expenditures and will be included in the Iowa Laboratory budget. One-time expenditures are estimated to include:

**Meat and Poultry Inspections Bureau:**

- Estimated costs to train 17 employees would range between \$105,000 and \$120,000. This includes training fees and travel costs. Nine of the employees will be trained in FY 2020 and eight will be trained in FY 2021.
- Any additional newly hired employees would have to complete the required training. The estimated costs in future years would range between \$7,000 and \$14,000 per year.
- Training costs are paid through a Meat and Poultry Cooperative Agreement with the federal government. The federal government pays 60.0% and Iowa pays 40.0% of the costs.

**Iowa Laboratory:**

- Equipment costs for a protein analyzer are estimated between \$65,000 and \$70,000. The equipment will be part of the Iowa Laboratory budget and not the Meat and Poultry Inspections Bureau budget as the equipment will be primarily used to analyze feed samples for the Feed and Fertilizer Bureau.
- There will be an estimated cost of \$10,000 to \$12,000 per year for equipment accreditation. The expenditures will be part of the Iowa Laboratory budget.

**LSA Response:** The LSA concurs.

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**Rule Summary** ARC 4698C (NOIA)  
Updates the distance requirements for the storage of bulk dry animal nutrients.

**State or Federal Law Implemented:** Iowa Code chapter 200A.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 4696C (NOIA)  
Updates rules related to commercial establishments that handle animals by doing the following:

- Ensures all dogs and cats handled by commercial establishments are provided with humane care and treatment.
- Regulates the transportation, sale, purchase, housing, care, handling, and treatment of dogs and cats by persons engaged in transporting, buying, or selling them.
- Provides that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.
- Authorizes the sale, trade, or adoption of only those animals which appear to be free of infectious or communicable disease.
- Protects the public from zoonotic disease.
- Establishes subclassifications of licenses and further clarifies requirements.

**State or Federal Law Implemented:** Iowa Code chapter 162.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Department of Commerce/Utilities Division

**Rule Summary** ARC 4720C (AF)

**State or Federal Law Implemented:** Iowa Code section 476.1, 476.25,

**Fiscal Impact** **Agency Response:** Because the proposed new subrule 20.20 simply clarifies that electric vehicle charging stations are not public utilities so as to fall under the scope of the Board's regulatory authority, it is anticipated the amendments will have no fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 4709C (AF)  
Amends requirements for energy efficiency and demand response plans, modifications, prudence reviews, cost-recovery tariffs, and reports filed by natural gas and electric utilities that are required to be rate-regulated to reflect modifications made through Senate File 2311 (Energy Utilities Act).

**State or Federal Law Implemented:** Iowa Code sections 476.2 and 476.6(15).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Department of Commerce/Insurance Division

### **ARC 4713C (NOIA)**

**Rule Summary** Repeals requirement for the Insurance Division to take action against a person to whom it issues a license who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

**State or Federal Law Implemented:** 2019 Iowa Acts, Senate File 304 (Licenses, Student Loan Delinquency Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Department of Commerce/Professional Licensing and Regulation Bureau

### **ARC 4680C (NOIA)**

**Rule Summary** Requires expedited licensure for spouses of active duty members of the military forces of the United States as required by 2019 Iowa Acts, House File 288 (Licensure Reciprocity for Military Spouses and the Injured Veterans Grant Program Act). Prohibits the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency, as required by 2019 Iowa Acts, Senate File 304 (Licenses, Student Loan Delinquency Act).

**State or Federal Law Implemented:** 2019 Iowa Acts, House File 288, and 2019 Iowa Acts, Senate File 304.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Board of Educational Examiners

### **ARC 4699C (AF)**

**Rule Summary** Establishes a 30-day timeline for reporting of disciplinary action or awareness of misconduct to the Board.

**State or Federal Law Implemented:** 2019 Iowa Acts, HF 637 (Teacher Disciplinary Action, School District Reporting Requirement Act).

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### College Student Aid Commission

**Rule Summary** **ARC 4716C (AF)**  
Implements amendments enacted in 2019 Iowa Acts, Senate File 246 (All Iowa Opportunity Scholarship Act), regarding the All Iowa Opportunity Scholarship. Strikes age thresholds that restrict eligibility for two student populations, ensuring that all applicants are held to similar general eligibility criteria.

**State or Federal Law Implemented:** 2019 Iowa Acts, Senate File 246.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs. The All Iowa Opportunity Scholarship is funded by an annual General Fund appropriation. Expenditures for the program are capped by the appropriation. Senate File 246 strictly makes policy changes at no cost.

**Rule Summary** **ARC 4717C (AF)**  
Implements amendments enacted in 2019 Iowa Acts, House File 758 (FY 2020 Education Appropriations Act), sections 14, 15, and 16, to change the name of the National Guard Educational Assistance Program to the National Guard Service Scholarship Program and to allow students in STEM-related programs of study to receive up to 130 credit hours of funding. Makes a technical amendment to the definition of “state-defined payment period” to reflect a recent change from five to six payment reporting periods.

**State or Federal Law Implemented:** Iowa Code chapter 261.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4718C (AF)**  
Implements amendments enacted in 2019 Iowa Acts, Senate File 245 (Skilled Workforce Shortage Tuition Grant Act), to strike references to an Iowa Department of Workforce Development reporting requirement that has been rescinded and to provide a grandfather clause for students enrolled in a program of study that is subsequently removed from the list of eligible programs.

**State or Federal Law Implemented:** Iowa Code chapter 261.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 4719C (AF)**  
Implements amendments enacted in 2019 Iowa Acts, Senate File 304 (Licenses, Student Loan Delinquency Act), section 3, to prohibit suspension or revocation of a license issued by the Board of Educational Examiners to a person who is in default or delinquent in repayment or service obligation related to federal or State student loans or private postsecondary tuition assistance.

**State or Federal Law Implemented:** Iowa Code chapter 261.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Public Health**

**ARC 4703C (AF)**

**Rule Summary** Implements changes to Department of Public Health programs made in 2019 Iowa Acts, chapter 85 (FY 2020 Health and Human Services Appropriations Act). Changes include:

- Removes the definition for “specialty care referral network” and amends the definition of “specialty health care provider office” to remove the reference to the Iowa Collaborative Safety Net Provider Network.
- Rescinds reimbursement of expenses for the Child Death Review Team members.
- Rescinds the Advisory Committee to the Center for Rural Health and Primary Care.
- Rescinds reimbursement of expenses for members of the Emergency Medical Services Advisory Council.
- Limits the Trauma System Advisory Council to seven members.

**State or Federal Law Implemented:** Iowa Code chapter 147A and 2019 Iowa Acts, chapter 85, sections 66, 70, 72-74, 78, 82, and 84.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**ARC 4704C (AF)**

**Rule Summary** Rescinds chapter on approval of mandatory reporter training curricula for child and dependent adult abuse mandatory reporter training pursuant to 2018 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). The Act moved the requirement for the development of this training to the Department of Human Services.

**State or Federal Law Implemented:** 2018 Iowa Acts, chapter 91.

**Fiscal Impact** **Agency Response:** No fiscal impact .

**LSA Response:** The LSA concurs.

**ARC 4705C (AF)**

**Rule Summary** Combines the duties and members of the Advisory Council for the State Medical Examiner into the Interagency Coordinating Council for the State Medical Examiner pursuant to 2019 Iowa Acts, chapter 85 (FY 2020 Health and Human Services Appropriations Act).

**State or Federal Law Implemented:** Iowa Code chapter 691 and 2019 Iowa Acts, chapter 85.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**ARC 4706C (AF)**

**Rule Summary** Updates frequency of training for child abuse and dependent adult abuse mandatory reporters to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act).

Rescinds chapter on licensure standards for substance abuse treatment programs in correctional facilities. Community-based corrections programs will now follow standards for all programs, found in the chapter on licensure standards for substance use disorder and problem gambling treatment programs.



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**State or Federal Law Implemented:** Iowa Code section 125.13 and 2019 Iowa Acts, chapter 91.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Professional Licensure Division

#### ARC 4726C (NOIA)

**Rule Summary**      Updates frequency of training for child abuse and dependent adult abuse mandatory reporters for the Board of Massage Therapy to conform to changes for mandatory reporters in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). Also removes a reference to a rescinded rule.

**State or Federal Law Implemented:** 2019 Iowa Acts, chapter 91.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Iowa Commission on Volunteer Service

#### ARC 4722C (AF)

**Rule Summary**      Implements the Future Ready Iowa Volunteer Mentoring Program. The Program is designed to support implementation of the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program and the Future Ready Iowa Skilled Workforce Grant Program created in 2018 Iowa Acts, HF 2458 (Future Ready Iowa Act), by matching volunteer mentors with scholarship and grant recipients. The Volunteer Mentor Program is a voluntary program for scholarship and grant recipients that is designed to provide mentors to help recipients increase success in school and make meaningful career connections.

**State or Federal Law Implemented:** 2018 Iowa Acts, HF 2458 (Future Ready Iowa Act).

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. While the rulemaking itself does not have a fiscal impact, the Iowa Commission on Volunteer Service received an FY 2020 appropriation of \$400,000 for the Program from the Skilled Worker and Job Creation Fund in SF 608 (FY 2020 Economic Development Appropriations Act).

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### Department of Workforce Development

#### ARC 4725C (AF)

**Rule Summary**      Updates and clarifies the unemployment insurance benefits claim verification process. Requires the applicant to provide approved documentation of identity, including at least one document containing a Social Security number. Specifies the claimant is not eligible for benefits for any week until approved documents are provided to verify the claimant's identity, and if the required documents are provided in any subsequent weeks following

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the due date for the documents, the claimant may be eligible for benefits as of the Sunday of the week the claimant's identity is verified.

**State or Federal Law Implemented:** Iowa Code section 96.6.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Labor Services Division

#### **ARC 4733C (AF)**

**Rule Summary** Places in rules a specified fee for a nonroutine inspection of a boiler or pressure vessel outside of normal business hours requested by the owner or user instead of having the Labor Commissioner negotiate an additional appropriate fee. Updates phone numbers for reporting explosions, injuries, and related incidents.

**State or Federal Law Implemented:** Iowa Code chapter 89.

**Fiscal Impact Agency Response:** Minimal fiscal impact. Since requests for inspections outside the normal schedule are not common, any impact on the Boiler and Pressure Vessel Safety Fund is expected to be minimal.

**LSA Response:** The LSA concurs.

#### **ARC 4734C (AF)**

**Rule Summary** Defines the phrase "reputable insurance company" and allows the Labor Commissioner to issue a notice of Commission probation when an investigation reasonably reveals that the special inspector does not represent a reputable insurance company or the special inspector filed inaccurate reports. Iowa Code section 89.7 requires a commissioned special inspector to be a representative of a reputable insurance company.

**State or Federal Law Implemented:** Iowa Code chapter 89.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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