

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

The Department of Health and Human Services (Department) hereby rescinds Chapter 152 “Tobacco Use Prevention and Control Funding Process”, Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 142A.6.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2023 Executive Order 10.

*Purpose and Summary*

This rule chapter sets forth procedure of the Iowa Tobacco Use Prevention and Control Commission in conducting competitive procurement on behalf of the tobacco initiative. The commission may engage in its own procurement under Iowa Code. The activity in this rule chapter no longer matches commission and Department procedure. Under current practice the commission utilizes HHS department procedure to engage in procurement under the auspices of the Department.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on March 20, 2024, as **ARC 7727C**.

Two virtual public hearings were held on April 12, 2024 at 11:30am, and April 15, 2024 at 12pm. One public comment was received from the American Lung Association requesting a continuation of funding for tobacco use and cessation programs. Based on that public comment, no changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Tobacco Commission on DATE TBD.

*Fiscal Impact*

This rulemaking has no fiscal impact to the state of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Health and Human Services for a waiver of the discretionary provisions, if any, pursuant to 441—6.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rulemaking will become effective on DATE TBD.

The following rulemaking action is adopted:

Item 1. Rescind and reserve **641—Chapter 152**