

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 73
“Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 234.6(1)“f”
State or federal law(s) implemented by the rulemaking: 2023 Iowa Acts, Senate File 514; 42 U.S.C. §1786; 7 CFR 246

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024
2 to 3 p.m.

Microsoft Teams
Meeting ID: 222 143 545 89
Passcode: Ythqof

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

WIC must follow United States Department of Agriculture (USDA) regulations. States do have some flexibility in how some of the federal regulations are implemented; therefore, the Iowa Administrative Code can provide more Iowa-specific practices but the USDA federal regulations would take precedence.

Pursuant to 2023 Iowa Acts, Senate File 514, Chapter 73 is proposed to be rescinded and moved from the legacy Public Health Department[641] agency to a new chapter within the Human Services Department[441] agency.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
There are no costs associated with this rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
No classes of persons will benefit from this rulemaking, and no classes of persons will be harmed.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
One chapter is being rescinded and repromulgated under a different agency number.
 - **Qualitative description of impact:**
One chapter is being rescinded and repromulgated under a different agency number.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs associated with this rulemaking.

- **Anticipated effect on state revenues:**

This rulemaking has no effect on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Rescission and repromulgation of the chapter under a different agency number is appropriate pursuant to 2023 Iowa Acts, Senate File 514, as well as providing an opportunity to complete a Red Tape Review on the proposed chapter (441—Chapter 67).

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No other methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Rescinding the current chapter and repromulgating an updated chapter under the other agency number is the appropriate course of action.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **641—Chapter 73**.