

Red Tape Review Rule Report

(Due: September 1, 2026)

Department Name:	Public Safety	Date:	8/4/25	Total Rule Count:	4
IAC #:	661	Chapter/ SubChapter/ Rule(s):	28	Iowa Code Section Authorizing Rule:	80.5
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of this rule is to provide the public and law enforcement with processes to report and document marijuana grows and eradication procedures for cultivated and uncultivated marijuana.

Is the benefit being achieved? Please provide evidence.

Yes. Since 2016, the Division of Narcotics Enforcement (DNE) has successfully investigated 54 cases involving marijuana grows.

What are the costs incurred by the public to comply with the rule?

There is no cost to the public to comply with this rule.

What are the costs to the agency or any other agency to implement/enforce the rule?

There is no cost to the department or any other agency to implement this rule.

Do the costs justify the benefits achieved? Please explain.

There is no cost to comply with or implement/enforce this rule. The public benefits from having a clear guide to reporting and documenting marijuana grows. Law enforcement also benefits from having notification guidelines and procedures when a report of a marijuana grow is received.

Are there less restrictive alternatives to accomplish the benefit? ☐ YES ☒ NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The Department has determined this to be the least restrictive and least costly method for achieving the purpose of the rule.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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28.3(2) was reworded to remove unnecessary language. This subrule was then combined with 28.3(1) to reduce word and rule count.

28.3(3) contained outdated language.

RULES PROPOSED FOR REPEAL (list rule number[s]):

28.3(2)
28.3(3)

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

CHAPTER 28
MARIJUANA ERADICATION PROCEDURES

661—28.1(80) Reports of marijuana. Persons wishing to report marijuana growing in Iowa, whether cultivated or uncultivated, may contact any local law enforcement agency within the state of Iowa or the Division of Narcotics Enforcement, by telephone through the toll-free Marijuana Hotline at 1-800-532-0052.

661—28.2(80) Cultivated marijuana. Upon receipt of information pertaining to marijuana cultivation or harvesting, the department of public safety, division of narcotics enforcement may coordinate with the department of agriculture and land stewardship to investigate.

661—28.3(80) Uncultivated marijuana. Upon receipt of information pertaining to wild uncultivated marijuana, the department of public safety, division of narcotics enforcement, will notify the county sheriff or chief of police of the report. After the sheriff has been notified, the department of public safety, division of narcotics enforcement, will notify, by regular mail, the owner of the land where uncultivated marijuana has been reported and will request that the landowner voluntarily remove the marijuana. Notification to a landowner of information regarding uncultivated marijuana growing on the landowner's property, as provided in this subrule, is intended to obtain voluntary cooperation in the eradication of marijuana. The county sheriff and the local police chief, if any, will be sent copies of the notice to the landowner, also by regular mail.

661—28.4(80) Scope and limitation. Nothing in this chapter shall be construed to be a restriction or limitation upon the nature or scope of the authority of any member of the department of public safety or of any other public officer as otherwise provided by law.

These rules are intended to implement Iowa Code section 80.5.

***For rules being re-promulgated with changes, you may attach a document with suggested changes.**

METRICS

Total number of rules repealed:	2
Proposed word count reduction after repeal and/or re-promulgation	137
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	9

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

Not at this time.