

Red Tape Review Rule Report (Due: September 1, 2026)

Department Name:	Public Safety	Date:	8/18/2025	Total Rule Count:	9
IAC #:	661	Chapter/ SubChapter/ Rule(s):	159	Iowa Code Section Authorizing Rule:	901D.4
Contact Name:	Josie Wagler	Email:	wagler@dps.state.ia.us	Phone:	515-725-6185

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

In 2017, the Iowa legislature passed SF 444, which directed the Department of Public Safety to establish a statewide sobriety and drug monitoring program to be used by participating jurisdictions and available 24 hours per day, 7 days per week (also known as the 24/7 program). Testing would occur at a County Sheriff’s Office within a participating county or at an established alternative testing location. Participants would be required to test for the presence of alcohol or drugs twice a day for up to ninety (90) days if they had committed an eligible offense in the participating county. Participants would take part in the program if ordered to do so by a court as a condition of probation, as a condition of receiving a temporary restricted license (TRL) if the individual committed an eligible offense in a participating county, or as a condition of reinstating their license if they committed a repeat offense.

The intended benefit of this rule chapter is to provide for the nature and manner of testing, including the procedures and apparatus used for testing; to establish a fee structure to pay for the costs of the program; provide for the acceptance of public and private grants and donations to support the program; establish a stakeholder group to review and recommend changes to the program; and to establish an application process for jurisdictions that want to participate in the program.

Is the benefit being achieved? Please provide evidence.

No. Chapter 901D was repealed in 2024 due to insufficient data to support the program’s continuation. Woodbury County was selected as a participating jurisdiction due to bordering South Dakota, who administers a similar program. Since its inception in Woodbury County, there have been no program participants. No other jurisdictions were willing to take part in the program and no data exists suggesting it has been an effective tool to reduce recidivism or aid in the rehabilitative process.

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

Program participants were required to pay all program fees, such as the enrollment fee (\$30); the costs of tests, test equipment or test devices (\$2 per breath test, \$6 per urine test); and the costs of installing, activating, monitoring, and deactivating any testing equipment or devices (a SCRAM® continuous alcohol monitoring or remote breath device, an installation fee of \$30 and a fee of \$7 per day). If a person subject to testing is determined to be indigent and is reasonably able to pay a portion of the required fee for testing but is not able to pay the full fee amount, the person shall pay only the portion of the fee which the person is reasonably able to pay. The remaining costs could be paid for using 24/7 program funds including but not limited to funds received from public or private grants, gifts or donations.

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

There are no costs to the Department or any other agency to implement/enforce the rule. Participation in or use of the 24/7 program was a voluntary decision of a participating jurisdiction.

Do the costs justify the benefits achieved? Please explain.

No. As previously stated, there have been no program participants and no data exists suggesting it has been an effective tool to reduce recidivism or aid in the rehabilitative process. Chapter 901D has since been repealed.

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 proposes rescinding Chapter 159 in its entirety.

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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Yes, Chapter 159 is obsolete and unnecessary since the program these rules support no longer exists in code.

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

The Department proposes rescinding Chapter 159.

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

None.

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

METRICS

Total number of rules repealed:	9
Proposed word count reduction after repeal and/or re-promulgation	2712
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	38

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

No.