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LEGAL UPDATES

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Federal Judge Upholds Iowa Ag-Gag Law in Constitutional Challenge

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On March 19, 2025, U.S. District Court Judge Stephanie Rose of the Southern District of Iowa determined that Iowa Code § 727.8A—a law passed in 2021 that prohibits unauthorized access to private property in order to record footage of the property—is constitutionally valid. The decision marks the latest victory for the animal production industry in Iowa in litigation brought by animal rights activists challenging the constitutionality of Iowa Code § 727.8A.

The U.S. Court of Appeals for the Eighth Circuit had already upheld Iowa Code § 727.8A against a facial challenge. This latest litigation involved a narrower question, challenging the law on an as-applied basis and its intersection with the plaintiffs' First Amendment rights. While conceding that recordings implicate the First Amendment, Judge Rose determined that "such expressive activities operate differently when those activities occur during an unlawful trespass." As such, Judge Rose ruled that the Iowa law employed a "targeted approach" to protecting property rights "while leaving open ample alternative channels for plaintiffs to disseminate their message through lawful means."

What this means to you

This ruling will likely guide other states in how they establish similar laws. Similarly situated state legislation has been subject to litigation brought by activists, as detailed in Husch Blackwell's state-by-state guide to ag-gag legislation, and Judge Rose's decision could provide these states with a legal framework that balances First Amendment concerns with private property rights to allow challenged legislation to withstand constitutional scrutiny.

Contact us

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If you have questions in connection with how this case impacts your business or the potential impact it will have on state ag-gag laws, contact Ryann Glenn, Amanda JoLee, Daniel Zimmer, or your Husch Blackwell attorney.

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