

CHAPTER 1147

CORRECTIVE CHANGES IN AGRICULTURE LAWS

H. F. 1190

AN ACT relating to corrective changes in laws administered by the department of agriculture.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred fifty-nine point twenty-two
2 (159.22), Code 1973, is amended to read as follows:

3 159.22 Grants and gifts of funds. The division may with the
4 approval of the secretary of agriculture accept grants and allotments
5 of funds from the federal government and enter into co-operative
6 agreements with the secretary of agriculture of the United States for
7 projects to effectuate any of the purposes of this division as described
8 herein; and to accept grants, gifts or allotments of funds from any
9 person, firm, co-operative, corporation, or association for the purpose
10 of carrying out the provisions of this section chapter for which an
11 itemized accounting must be made by the director to the Iowa secre-
12 tary of agriculture at the end of each fiscal year.

1 SEC. 2. Section one hundred eighty-four A point two (184A.2),
2 unnumbered paragraph two (2), Code 1973, is amended to read as
3 follows:

4 The fee shall be imposed on the producer and collected at the time
5 of delivery of a turkey to the processing plant and shall be deducted
6 by the processor at the time of delivery from the price paid to the
7 producer at the time of the sale to the ~~producer~~ processor.

Approved April 19, 1974

CHAPTER 1148

STANDARDS FOR CARE OF ANIMALS

H. F. 550

AN ACT to provide standards for the care of animals in animal shelters, pounds, and pet shops, and to regulate dealers, animal wardens, boarding kennels, commercial kennels, hobby kennels, public auctions, and commercial breeders, and provide penalties for violations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. Policy. The purpose of this Act is:

2 1. To insure that all dogs and cats handled by boarding kennels,
3 commercial kennels, hobby kennels, commercial breeders, dealers, and
4 public auctions are provided with humane care and treatment by regu-
5 lating the transportation, sale, purchase, housing, care, handling and
6 treatment of such animals by persons or organizations engaged in
7 transporting, buying, or selling them and to provide that all vertebrate
8 animals consigned to pet shops are provided humane care and treat-
9 ment by regulating the transportation, sale, purchase, housing, care,
10 handling and treatment of such animals by pet shops.

- 11 2. To authorize the sale, trade, or adoption of only those animals
 12 which appear to be free of infectious or communicable disease.
 13 3. To protect the public from zoonotic disease.

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act, except
 2 as otherwise expressly provided:

3 1. "Pound" or "dog pound" means a facility for the prevention of
 4 cruelty to animals operated by the state, a municipal corporation, or
 5 other political subdivision of the state for the purpose of impounding
 6 or harboring seized stray, homeless, abandoned or unwanted dogs,
 7 cats or other animals; or a facility operated for such a purpose under
 8 a contract with any municipal corporation or incorporated society.

9 2. "Person" means person as defined in chapter four (4) of the
 10 Code.

11 3. "Animal shelter" means a facility which is used to house or con-
 12 tain dogs or cats, or both, and which is owned, operated, or maintained
 13 by an incorporated humane society, animal welfare society, society for
 14 the prevention of cruelty to animals, or other nonprofit organization
 15 devoted to the welfare, protection, and humane treatment of such
 16 animals.

17 4. "Pet shop" means an establishment where any dog, cat, rabbit,
 18 rodent, nonhuman primate, bird, or other vertebrate animal is bought,
 19 sold, exchanged or offered for sale to the general public.

20 5. "Boarding kennel" means a place or establishment other than a
 21 pound or animal shelter where dogs or cats not owned by the propri-
 22 etor are sheltered, fed, and watered in return for a consideration.

23 6. "Commercial kennel" means a kennel which performs grooming
 24 or training services for dogs or cats, or both, and may or may not
 25 render boarding services in return for a consideration.

26 7. "Hobby kennel" means a noncommercial kennel at, in, or adjoining
 27 a private residence where dogs or cats, or both, are kept for the
 28 hobby of the householder, in using them for hunting or practice train-
 29 ing or for exhibiting them in shows or field or obedience trials, or for
 30 guarding or protecting the householder's property and from which
 31 offspring with a total value in excess of one hundred dollars are sold,
 32 traded, or exchanged during a calendar year. The keeper of a hobby
 33 kennel may keep or maintain up to ten dogs or cats, or both, of either
 34 sex per year and may raise or sell not more than fifteen offspring of
 35 either dogs or cats, or both, during any calendar year without chang-
 36 ing the status of the kennel. If the keeper of a hobby kennel sells,
 37 trades, or transfers more than fifteen offspring during any calendar
 38 year, he shall be subject to licensing as a commercial breeder.

39 8. "Commercial breeder" means a person engaged in the business of
 40 breeding dogs or cats, or both, for sale, whether or not such animals
 41 are raised, trained, groomed, or boarded by such breeder.

42 9. "Public auction" means any place or location where dogs or cats,
 43 or both, are sold at auction to the highest bidder regardless of whether
 44 the dogs or cats are offered as individuals, as a group, or by weight.

45 10. "Secretary" means the secretary of agriculture of the state of
 46 Iowa.

47 11. "Dealer" means any person who is engaged in the business of
 48 buying for resale or selling or exchanging dogs or cats, or both, as a
 49 principal or agent, or who holds himself out to be so engaged.

50 12. "Research facility" means any school or college of medicine,
51 veterinary medicine, pharmacy, dentistry, or osteopathy, or hospital,
52 diagnostic or research laboratories, or other educational or scientific
53 establishment situated in this state concerned with the investigation
54 of, or instruction concerning the structure or function of living organ-
55 isms, the cause, prevention, control, or cure of diseases or abnormal
56 conditions of human beings or animals.

57 13. "Primary enclosure" means any structure used to immediately
58 restrict an animal to a limited amount of space, such as a room, pen,
59 cage, or compartment.

60 14. "Housing facility" means any room, building or area used to
61 contain a primary enclosure or enclosures.

62 15. "Euthanasia" means the humane destruction of an animal ac-
63 complished by a method that involves instantaneous unconsciousness
64 and immediate death or by a method that involves anesthesia, pro-
65 duced by an agent which causes painless loss of consciousness, and
66 death during the loss of consciousness.

67 16. "Adequate feed" means the provision at suitable intervals of not
68 more than twenty-four hours or longer if the dietary requirements of
69 the species so require, of a quantity of wholesome foodstuff suitable
70 for the species and age, sufficient to maintain a reasonable level of
71 nutrition in each animal. The foodstuff shall be served in a clean
72 receptacle, dish or container.

73 17. "Adequate water" means reasonable access to a supply of clean,
74 fresh, potable water provided in a sanitary manner or provided at
75 suitable intervals for the species and not to exceed twenty-four hours
76 at any interval.

77 18. "Animal warden" means any person employed, contracted, or
78 appointed by the state, municipal corporation, or any political sub-
79 division of the state, for the purpose of aiding in the enforcement of
80 the provisions of this Act or any other law or ordinance relating to the
81 licensing of animals, control of animals or seizure and impoundment
82 of animals and includes any peace officer, animal control officer, or
83 other employee whose duties in whole or in part include assignments
84 which involve the seizure or taking into custody of any animal.

1 SEC. 3. NEW SECTION. **Certificate of registration for pound.** After
2 January 1, 1975, no pound shall be operated unless a certificate of
3 registration for the pound is granted by the secretary. Application
4 for the certificate shall be made in the manner approved by the sec-
5 retary. No fee shall be required for the application or certificate.
6 Certificates of registration shall expire annually on March first unless
7 revoked and may be renewed upon application in the manner provided
8 by the secretary. A registered pound may engage in the sale of dogs
9 or cats, or both, under its control, if it obtains a license for such
10 activity, but no fee shall be charged therefor unless the registered
11 pound is privately owned.

1 SEC. 4. NEW SECTION. **Certificate of registration for animal shel-**
2 **ter.** After January 1, 1975, no person shall operate an animal shelter
3 unless a certificate of registration for the animal shelter is granted by
4 the secretary. Application for the certificate shall be made in the man-
5 ner provided by the secretary. No fee shall be required for the appli-
6 cation or certificate. Certificates of registration shall expire annually

7 on March first unless revoked and may be renewed in the manner
8 provided by the secretary. A registered animal shelter may engage
9 in the sale of dogs or cats, or both, under its control, if it obtains a
10 license for such activity, but no fee shall be charged therefor.

1 **SEC. 5. NEW SECTION. Pet shop license.** After January 1, 1975,
2 no person shall operate a pet shop unless he has obtained a license to
3 operate a pet shop issued by the secretary. Application for the license
4 shall be made in the manner provided by the secretary. The license
5 shall expire annually on March first of each year unless revoked and
6 may be renewed in the manner provided by the secretary. The license
7 fee shall be forty dollars per year or ten dollars for each quarter or
8 portion of a quarter of a year. The license may be renewed if the
9 licensee has conformed to all statutory and regulatory requirements.

1 **SEC. 6. NEW SECTION. Commercial kennel or public auction**
2 **license.** After January 1, 1975, no person shall operate a commercial
3 kennel or public auction, as defined in Section 2 of this Act, unless he
4 has obtained a license to operate a commercial kennel or a public
5 auction issued by the secretary or unless he has obtained a certificate
6 of registration issued by the secretary if his kennel is federally
7 licensed. Application for the license or the certificate shall be made
8 in the manner provided by the secretary. The license and the cer-
9 tificate shall expire annually on March first unless revoked. The license
10 fee shall be twenty-five dollars per year or seven dollars for each
11 quarter or portion of a quarter of a year and the certification fee shall
12 be five dollars annually. If the person has obtained a federal license,
13 he need only obtain a certificate. The license may be renewed upon
14 application and payment of the prescribed fee in the manner provided
15 by the secretary provided the licensee has conformed to all statutory
16 and regulatory requirements. The certificate may be renewed upon
17 application and payment of the prescribed fee in the manner provided
18 by the secretary.

1 **SEC. 7. NEW SECTION. Dealer license.** After January 1, 1975,
2 no person shall operate as a dealer unless he has obtained a license
3 issued by the secretary or unless he has obtained a certificate of
4 registration issued by the secretary if his kennel is federally licensed.
5 Application for the license or the certificate shall be made in the man-
6 ner provided by the secretary. The license and certificate shall expire
7 annually on March first unless revoked. The license fee shall be fifty
8 dollars per year or fifteen dollars for each quarter or portion of a
9 quarter of a year, and the certification fee shall be five dollars per year.
10 The license may be renewed upon application and payment of the
11 prescribed fee in the manner provided by the secretary, provided the
12 licensee has conformed to all statutory and regulatory requirements.
13 The certificate may be renewed upon application and payment of the
14 prescribed fee in the manner provided by the secretary.

1 **SEC. 8. NEW SECTION. Commercial breeder's license.** After Janu-
2 ary 1, 1975, no person shall operate as a commercial breeder unless he
3 has obtained a license issued by the secretary or unless he has ob-
4 tained a certificate of registration issued by the secretary if his kennel
5 is federally licensed. Application for the license or the certificate shall
6 be made in the manner provided by the secretary. The annual license

7 or the certification period shall commence March first of each year.
 8 The license fee shall be twenty-five dollars per year or seven dollars
 9 for each quarter or portion of a quarter of a year and the certificate
 10 fee shall be five dollars per year. The license may be renewed upon
 11 application and payment of the prescribed fee in the manner provided
 12 by the secretary provided the licensee has conformed to all statutory
 13 and regulatory requirements. The certificate may be renewed upon
 14 application and payment of the prescribed fee in the manner provided
 15 by the secretary.

1 SEC. 9. NEW SECTION. **Boarding kennel operator's license.** After
 2 January 1, 1975, no person shall operate a boarding kennel unless he
 3 has obtained a license to operate a boarding kennel issued by the secre-
 4 tary. Application for the license shall be made in the manner provided
 5 by the secretary. The annual license period shall commence March
 6 first of each year. The license fee shall be fifteen dollars per year or
 7 four dollars for each quarter or portion of a quarter of a year. The
 8 license may be renewed upon application and payment of the pre-
 9 scribed fee in the manner provided by the secretary provided the
 10 licensee has conformed to all statutory and regulatory requirements.

1 SEC. 10. NEW SECTION. **Hobby kennel owner's license.** After
 2 January 1, 1975, no person shall operate a hobby kennel unless he
 3 obtains a license issued by the secretary. Application for the license
 4 shall be in the manner provided by the secretary. The annual license
 5 period shall commence March first. The license fee shall be two dollars
 6 per year. The license may be renewed upon application in the manner
 7 prescribed by the secretary, provided the licensee has conformed to all
 8 statutory and regulatory requirements.

1 SEC. 11. NEW SECTION. **Exceptions.**
 2 1. Any dealer or commercial breeder and any person who operates a
 3 commercial kennel or public auction who has obtained and is operating
 4 his business under a current and valid federal license shall, upon pay-
 5 ment of the prescribed fee, be forwarded a certificate of registration
 6 by the secretary.
 7 2. The certificate of registration may be denied or revoked if the
 8 person no longer possesses a current and valid federal license. Other
 9 than obtaining the certificate of registration from the secretary, any
 10 dealer or commercial breeder and any person who operates a commer-
 11 cial kennel or public auction shall not be subject to further regulation
 12 under the provisions of this Act.
 13 3. Any person who possesses a current and valid federal license
 14 may, in lieu of obtaining a certificate of registration, make application
 15 for a state license as provided in this Act. If properly qualified, and
 16 upon payment of the prescribed fee, a license shall be issued under the
 17 provisions of this Act.

1 SEC. 12. NEW SECTION. **Denial or revocation of license or regis-**
 2 **tration.** A certificate of registration may be denied to any pound or
 3 animal shelter and a license may be denied to any public auction,
 4 boarding kennel, commercial kennel, hobby kennel, pet shop, commer-
 5 cial breeder, or dealer or, if granted such certificate or license, may be
 6 revoked by the secretary if, after public hearing, it is determined that
 7 the housing facilities or primary enclosures are inadequate under the

8 provisions of this Act or if the feeding, watering, cleaning and hous-
 9 ing practices at the pound, animal shelter, public auction, pet shop,
 10 boarding kennel, commercial kennel, hobby kennel, or those practices
 11 by the commercial breeder or dealer, are not in compliance with the
 12 provisions of this Act or with the rules and regulations which shall be
 13 promulgated pursuant to the authority of this Act. The premises of
 14 each licensee or certificate holder shall be open for inspection during
 15 normal business hours.

1 SEC. 13. NEW SECTION. Penalties. Operation of a pound, animal
 2 shelter, pet shop, boarding kennel, commercial kennel, hobby kennel
 3 or public auction, as defined in Section 2 of this Act, or dealing in
 4 dogs or cats, or both, either as a dealer or a commercial breeder, with-
 5 out a currently valid license or a certificate of registration shall con-
 6 stitute a misdemeanor and each day of such operation shall constitute
 7 a separate offense. Upon conviction, a violator shall be fined not more
 8 than one hundred dollars or imprisoned in the county jail not more
 9 than thirty days.

10 Failure of any person licensed or registered to adequately house, feed
 11 or water dogs or cats, or both, in his possession or custody or failure
 12 of any operator of a licensed pet shop to adequately house, feed, or
 13 water any vertebrate animal shall constitute a misdemeanor. Upon
 14 conviction, a violator shall be fined not more than one hundred dollars
 15 or imprisoned in the county jail not more than thirty days. Such
 16 animals shall be subject to seizure and impoundment and may be sold
 17 or destroyed by euthanasia at the discretion of the secretary and such
 18 failure shall also constitute grounds for revocation of license after
 19 public hearing. The commission of an act declared to be an unlawful
 20 practice under section seven hundred thirteen point twenty-four
 21 (713.24) of the Code, by any person licensed under this Act shall
 22 constitute grounds for revocation of license.

23 It shall be unlawful for a dealer, as defined in section two (2), sub-
 24 section eleven (11) of this Act, to knowingly ship a diseased animal.
 25 A dealer violating the provisions of this paragraph shall be subject
 26 to a fine not exceeding one hundred dollars. Each diseased animal
 27 shipped in violation of this paragraph shall constitute a separate
 28 offense.

1 SEC. 14. NEW SECTION. Custody by animal warden. An animal
 2 warden, upon taking custody of any animal in the course of his offi-
 3 cial duties, shall immediately make a record of the matter in the
 4 manner prescribed by the secretary and the record shall include a
 5 complete description of the animal, reason for seizure, location of
 6 seizure, the owner's name and address if known, and all license or
 7 other identification numbers, if any. Complete information relating
 8 to the disposition of the animal shall be added in the manner provided
 9 by the secretary immediately after disposition.

1 SEC. 15. NEW SECTION. Violation by animal warden. Violation
 2 of any provision of this Act which relates to the seizing, impound-
 3 ment, and custody of an animal by an animal warden shall constitute
 4 a misdemeanor and each animal handled in violation shall constitute
 5 a separate offense. Upon conviction, a violator shall be fined not more
 6 than one hundred dollars or imprisoned in the county jail not more
 7 than thirty days.

1 SEC. 16. NEW SECTION. **Rules and regulations.** The secretary
 2 shall promulgate rules consistent with the objectives and intent of this
 3 Act, for the purpose of carrying out such objectives and intent, within
 4 ninety days after the effective date of this Act, subject to chapter
 5 seventeen A (17A) of the Code. However, rules adopted by the sec-
 6 retary shall not exceed any federal standards or rules except as
 7 specifically provided for in this Act.

1 SEC. 17. NEW SECTION. **Exceptions.** This Act shall not apply to
 2 a place or establishment which operates under the immediate super-
 3 vision of a duly licensed veterinarian as a hospital where animals are
 4 harbored, hospitalized, and cared for incidental to the treatment,
 5 prevention, or alleviation of disease processes during the routine prac-
 6 tice of the profession of veterinary medicine, except that, if animals
 7 are accepted by such place, establishment, or hospital for boarding for
 8 consideration, the place, establishment, or hospital shall be subject to
 9 the provisions hereof applicable to a boarding kennel and the regula-
 10 tions relating thereto which shall hereafter be promulgated by the
 11 secretary.

1 SEC. 18. NEW SECTION. **Fees.** All fees collected by the secre-
 2 tary from licenses and certificates issued under this Act shall be paid
 3 to the treasurer of state.

Approved April 19, 1974

CHAPTER 1149

SHEEP DEALER'S LICENSE

H. F. 1362

AN ACT relating to the licensing of sheep dealers.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred sixty-six A point two (166A.2),
 2 Code 1973, is amended by adding the following new unnumbered para-
 3 graph:
 4 NEW UNNUMBERED PARAGRAPH. Any person who is licensed as a
 5 sheep dealer under chapter one hundred seventy-two A (172A) of the
 6 Code shall be exempt from this section.

Approved April 19, 1974