

CHAPTER 135

SERVICES AND PROCEEDINGS INVOLVING JUVENILE DELINQUENTS AND OTHER CHILDREN

S.F. 458

AN ACT relating to children's program and juvenile court provisions involving the department of human services in regard to the foster home insurance fund, group child care providers, juvenile delinquency and child in need of assistance dispositions, psychiatric medical institutions for children, and termination of parental rights, and providing an effective date.

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

DIVISION I FOSTER HOME INSURANCE FUND

Section 1. Section 237.13, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. A guardian appointed on a voluntary petition pursuant to section 232.178, or a voluntary petition of a ward pursuant to section 633.557, or a conservator appointed on a voluntary petition of a ward pursuant to section 633.572, provided the ward has an income that does not exceed one hundred fifty percent of the current federal office of management and budget poverty guidelines and who does not have resources in excess of the criteria for resources under the federal supplemental security income program. However, the ward's ownership of one residence and one vehicle shall not be considered in determining resources.

Sec. 2. Section 237.13, subsection 5, Code 2001, is amended to read as follows:

5. Except as provided in this section, the fund shall pay, on behalf of a guardian or conservator, the reasonable and necessary legal costs incurred in defending against a suit filed by a ward or the ward's representative and the damages awarded as a result of the suit, so long as it is determined that the guardian or conservator acted in good faith in the performance of their the guardian's or conservator's duties. A payment shall not be made if there is evidence of intentional misconduct or a knowing violation of the law by the guardian or conservator, including, but not limited to, failure to carry out the applicable responsibilities required under chapter 232 and sections 633.633 through 633.635 and 633.641 through 633.650.

DIVISION II CHILD CARE PROVIDERS

Sec. 3. Section 237A.3, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. Except as provided in subsection 3, a group child care home shall not provide child care to more than eleven children at any one time. If there are more than six children present for a period of two hours or more, the group child care home must have at least one responsible individual who is at least fourteen years of age present to assist the group child care provider in accordance with either of the following conditions:

(1) If the responsible individual is a joint holder of the certificate of registration, not more than four of the children present shall be ~~less than twenty-four months of age and not more than ten of the children present shall be twenty-four months of age or older but not attending school in kindergarten or a higher grade level~~ infants. The total number of children present at any one time who are younger than school age, including infants, shall not exceed eleven.

(2) If the responsible individual is not a joint holder of the certificate of registration, but is

at least fourteen years of age, not more than four of the children shall be ~~less than twenty-four months of age~~ infants and each child in excess of six children shall be ~~attending school in kindergarten or a higher grade level school age.~~

Sec. 4. Section 237A.3A, subsection 1, Code 2001, is amended to read as follows:

1. PILOT PROJECT. The department shall implement a pilot project applying the provisions of this section to registered family or group child care homes located in one county of this state. The provisions of this section shall not apply to unregistered family child care homes located in the pilot project county. The county selected for the pilot project shall be a rural county where there is interest among child care providers and consumers in implementing the pilot project. During the fiscal year beginning July 1, 1999, the department shall implement the pilot project in one county in each of the department's regions where there is interest in implementing the pilot project. In addition, the department may implement the pilot project in one other county in each of the department's regions where there is interest in implementing the pilot project. Commencing with the fiscal year beginning July 1, 2001, the department may implement the pilot project in other counties where there is an interest in implementing the pilot project. If a definition in section 237A.1, a provision in section 237A.3, or an administrative rule adopted under this chapter is in conflict with this section, this section and the rules adopted to implement this section shall apply to the pilot project.

DIVISION III JUVENILE DELINQUENCY PROCEEDINGS

Sec. 5. Section 232.21, subsection 4, Code 2001, is amended to read as follows:

4. A child placed in a shelter care facility under this section shall not be held for a period in excess of forty-eight hours without an oral or written court order authorizing the shelter care. When the action is authorized by an oral court order, the court shall enter a written order before the end of the next day confirming the oral order and indicating the reasons for the order. A child placed in shelter care pursuant to section 232.19, subsection 1, paragraph "c", shall not be held in excess of seventy-two hours in any event. If deemed appropriate by the court, an order authorizing shelter care placement may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section 232.57 have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a finding,¹ supported by the record, may assist the department in obtaining federal funding for the child's placement.

Sec. 6. Section 232.22, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If deemed appropriate by the court, an order for placement of a child in detention may include a determination that continuation of the child in the child's home is contrary to the child's welfare and that reasonable efforts as defined in section 232.57 have been made. The inclusion of such a determination shall not under any circumstances be deemed a prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may assist the department in obtaining federal funding for the child's placement.

Sec. 7. Section 232.52, subsection 6, unnumbered paragraph 1, Code 2001, is amended to read as follows:

When the court orders the transfer of legal custody of a child pursuant to subsection 2, ~~paragraphs paragraph "d", "e", or "f",~~ the order shall state that reasonable efforts as defined in section 232.57 have been made ~~to prevent or eliminate the need for removal of the child from the child's home.~~ If deemed appropriate by the court, the order may include a determination that continuation of the child in the child's home is contrary to the child's welfare. The inclusion of such a determination shall not under any circumstances be deemed a

¹ See chapter 176, §64 herein

prerequisite for entering an order pursuant to this section. However, the inclusion of such a determination, supported by the record, may be used to assist the department in obtaining federal funding for the child's placement.

Sec. 8. Section 232.53, subsection 4, Code 2001, is amended to read as follows:

4. a. Any person supervising but not having custody of the child pursuant to such an order shall file a written report with the court at least every six months concerning the status and progress of the child.

b. Any agency, facility, institution, or person to whom custody of the child has been transferred pursuant to such order shall file a written report with the court at least every six months concerning the status and progress of the child.

c. Any report prepared pursuant to this subsection shall be included in the record considered by the court in a permanency hearing conducted pursuant to section 232.58.

Sec. 9. NEW SECTION. 232.57 REASONABLE EFFORTS DEFINED.

1. For the purposes of this division, unless the context otherwise requires, "reasonable efforts" means the efforts made to prevent permanent removal of a child from the child's home and to encourage reunification of the child with the child's parents and family. If a court order includes a determination that continuation of the child in the child's home is not appropriate or not possible, reasonable efforts may include the efforts made in a timely manner to finalize a permanency plan for the child.

2. If the court determines by clear and convincing evidence that aggravated circumstances exist, with written findings of fact based upon evidence in the record, the court may waive the requirement for making reasonable efforts. The existence of aggravated circumstances is indicated by any of the following:

a. The parent has abandoned the child.

b. The court finds the circumstances described in section 232.116, subsection 1, paragraph "h", are applicable to the child.

c. The parent's parental rights have been terminated under section 232.116 with respect to another child who is a member of the same family, and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child's removal.

d. The parent has been convicted of the murder of another child of the parent.

e. The parent has been convicted of the voluntary manslaughter of another child of the parent.

f. The parent has been convicted of aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of another child of the parent.

g. The parent has been convicted of a felony assault which resulted in serious bodily injury of the child or of another child of the parent.

3. Any order entered under this division may include findings regarding reasonable efforts.

Sec. 10. NEW SECTION. 232.58 PERMANENCY HEARINGS.

1. If an order entered pursuant to this division for an out-of-home placement of a child includes a determination that continuation of the child in the child's home is contrary to the child's welfare, the court shall review the child's continued placement by holding a permanency hearing or hearings in accordance with this section. The initial permanency hearing shall be the earlier of the following:

a. For an order for which the court has not waived reasonable efforts requirements, the permanency hearing shall be held within twelve months of the date the child was removed from the home.

b. For an order in a case in which aggravated circumstances exist for which the court has waived reasonable efforts requirements, the permanency hearing shall be held within thirty days of the date the requirements were waived.

2. Reasonable notice shall be provided of a permanency hearing for an out-of-home placement in which the court order has included a determination that continuation of the child in the child's home is contrary to the child's welfare. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any case permanency plan or evidence submitted to the court. Upon completion of the hearing, the court shall enter written findings identifying a primary permanency goal for the child. If a case permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether reasonable progress is being made in achieving the permanency goal and in complying with the other provisions of that case permanency plan.

3. After a permanency hearing, the court shall do one of the following:

a. Enter an order pursuant to section 232.52 to return the child to the child's home.

b. Enter an order pursuant to section 232.52 to continue the out-of-home placement of the child for an additional six months at which time the court shall hold a hearing to consider modification of its permanency order. An order entered under this paragraph shall enumerate the specific factors, conditions, or expected behavioral changes which comprise the basis for the determination that the need for removal of the child from the child's home will no longer exist at the end of the additional six-month period.

c. Direct the county attorney or the attorney for the child to institute proceedings to terminate the parent-child relationship.

d. Enter an order, pursuant to findings based upon the existence of the evidence required by subsection 4, to do one of the following:

(1) Transfer guardianship and custody of the child to a suitable person.

(2) Transfer sole custody of the child from one parent to another parent.

(3) Transfer custody of the child to a suitable person for the purpose of long-term care.

(4) If the department has documented to the court's satisfaction a compelling reason for determining that an order under the other subparagraphs of this paragraph "d" would not be in the child's best interest, order another planned permanent living arrangement for the child.

4. Prior to entering a permanency order pursuant to subsection 3, paragraph "d", clear and convincing evidence must exist showing that all of the following apply:

a. A termination of the parent-child relationship would not be in the best interest of the child.

b. Services were offered to the child's family to correct the situation which led to the child's removal from the home.

c. The child cannot be returned to the child's home.

5. Any permanency order may provide restrictions upon the contact between the child and the child's parent or parents, consistent with the best interest of the child.

6. Subsequent to the entry of a permanency order pursuant to this section, the child shall not be returned to the care, custody, or control of the child's parent or parents, over a formal objection filed by the child's attorney or guardian ad litem, unless the court finds by a preponderance of the evidence that returning the child to such custody would be in the best interest of the child.

7. Following an initial permanency hearing and the entry of a permanency order which places a child in the custody or guardianship of another person or agency, the court shall retain jurisdiction and annually review the order to ascertain whether the best interest of the child is being served. When the order places the child in the custody of the department for the purpose of a planned permanent living arrangement, the review shall be in a hearing that shall not be waived or continued beyond twelve months after the initial permanency hearing or the last permanency review hearing. Any modification shall be accomplished through a hearing procedure following reasonable notice. During the hearing, all relevant and material evidence shall be admitted and procedural due process shall be provided to all parties.

DIVISION IV
CHILD IN NEED OF ASSISTANCE PROCEEDINGS

Sec. 11. Section 232.73, unnumbered paragraph 2, Code 2001, is amended to read as follows:

As used in this section and ~~section in sections 232.77 and 232.78~~, “medically relevant test” means a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives ~~thereof of the illegal drugs~~, including a drug urine screen test.

Sec. 12. Section 232.78, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. It appears that the child’s immediate removal is necessary to avoid imminent danger to the child’s life or health. The circumstances or conditions indicating the presence of such imminent danger shall include but are not limited to any of the following:

(1) The refusal or failure of the person responsible for the care of the child to comply with the request of a peace officer, juvenile court officer, or child protection worker for such person to obtain and provide to the requester the results of a physical or mental examination of the child. The request for a physical examination of the child may specify the performance of a medically relevant test.

(2) The refusal or failure of the person responsible for the care of the child or a person present in the person’s home to comply with a request of a peace officer, juvenile court officer, or child protection worker for such a person to submit to and provide to the requester the results of a medically relevant test of the person.

Sec. 13. Section 232.78, subsection 7, Code 2001, is amended to read as follows:

7. Any order entered under this section authorizing temporary removal of a child ~~shall~~ must include both of the following:

a. ~~A statement that the temporary removal is the result of a determination made by the court that continuation of the child remaining in the child’s home would be contrary to the welfare of the child, and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child’s home. Such a determination must be made on a case-by-case basis. The grounds for the court’s determination must be explicitly documented and stated in the order. However, preserving the safety of the child must be the court’s paramount consideration. If imminent danger to the child’s life or health exists at the time of the court’s consideration, the determination shall not be a prerequisite to the removal of the child.~~

b. A statement informing the child’s parent that the consequences of a permanent removal may include termination of the parent’s rights with respect to the child.

Sec. 14. Section 232.79, subsection 4, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. If deemed appropriate by the court, upon being informed that there has been an emergency removal or keeping of a child without a court order, the court may enter an order in accordance with section 232.78.

Sec. 15. Section 232.95, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Remove the child from home and place the child in a shelter care facility or in the custody of a suitable person or agency pending a final order of disposition if the court finds that substantial evidence exists to believe that removal is necessary to avoid imminent risk to the child’s life or health.

(1) If removal is ordered, the order shall court must, in addition, contain a statement that removal from the home is the result of make a determination that continuation of the child in the child’s home would be contrary to the welfare of the child, and that reasonable efforts,

as defined in section 232.102, have been made to prevent or eliminate the need for removal of the child from the child's home.

(2) The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child must be the court's paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph "a" shall not be a prerequisite for an order for removal of the child.

(3) The order shall also include a statement informing the child's parent that the consequences of a permanent removal may include termination of the parent's rights with respect to the child.

Sec. 16. Section 232.96, subsection 10, paragraph a, Code 2001, is amended to read as follows:

a. ~~A statement that the temporary removal is the result of a~~ determination that continuation of the child remaining in the child's home would be contrary to the welfare of the child, and that reasonable efforts, as defined in section 232.102, have been made to prevent or eliminate the need for removal of the child from the child's home. The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child is the paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for temporary removal of the child.

Sec. 17. Section 232.102, subsection 5, paragraph b, unnumbered paragraph 2, Code 2001, is amended to read as follows:

~~The order shall, in addition, contain a statement that removal from the home is the result of a determination that~~ In order to transfer custody of the child under this subsection, the court must make a determination that continuation of the child in the child's home would be contrary to the welfare of the child, and shall identify the reasonable efforts that have been made. The court's determination regarding continuation of the child in the child's home, and regarding reasonable efforts, including those made to prevent removal and those made to finalize any permanency plan in effect, as well as any determination by the court that reasonable efforts are not required, must be made on a case-by-case basis. The grounds for each determination must be explicitly documented and stated in the court order. However, preserving the safety of the child is the paramount consideration. If imminent danger to the child's life or health exists at the time of the court's consideration, the determinations otherwise required under this paragraph shall not be a prerequisite for an order for removal of the child.

Sec. 18. Section 232.102, subsection 10, paragraph a, unnumbered paragraph 1, Code 2001, is amended to read as follows:

As used in this ~~section~~ division, "reasonable efforts" means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a perma-

nency plan for the child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include intensive family preservation services or family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

Sec. 19. Section 232.102, subsection 12, unnumbered paragraph 1, Code 2001, is amended to read as follows:

If the court determines by clear and convincing evidence that aggravated circumstances exist, with written findings of fact based upon evidence in the record, the court may waive the requirement for making reasonable efforts. The existence of aggravated circumstances is indicated by any of the following:

Sec. 20. Section 232.103, subsection 3, Code 2001, is amended to read as follows:

3. A hearing shall be held on a motion to terminate or modify a dispositional order except that a hearing on a motion to terminate an order may be waived upon agreement by all parties. Reasonable notice of the hearing shall be given in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37 to the parties. The hearing shall be conducted in accordance with the provisions of section 232.50.

Sec. 21. Section 232.104, subsection 1, paragraph c, Code 2001, is amended to read as follows:

c. Reasonable notice of a permanency hearing in a case of juvenile delinquency shall be provided pursuant to section 232.37 to the parties. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the court. Upon completion of the hearing, the court shall enter written findings and make a determination identifying a primary permanency goal for the child. If a permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether reasonable progress is being made in achieving the permanency goal and complying with the other provisions of that permanency plan.

Sec. 22. Section 232.104, subsection 2, paragraph d, subparagraph (4), Code 2001, is amended to read as follows:

(4) Order long-term foster care placement for the child in a licensed foster care home or facility. If the department has documented to the court's satisfaction a compelling reason for determining that an order under the other subparagraphs of this paragraph "d" would not be in the child's best interest, order another planned permanent living arrangement for the child.

Sec. 23. REHABILITATIVE TREATMENT SERVICES STAFF REQUIREMENTS.

1. Subject to federal requirements, the department of human services shall act to change the staff qualification requirements for rehabilitative treatment services provided under the medical assistance program that are applicable to those staff providing therapy and counseling services, and psychosocial evaluation and behavioral management services for children in therapeutic foster care. Under the change, such staff who have graduated from an accredited four-year college, institute, or university with a bachelor's degree in social work in a program that is accredited by the council on social work education shall not be required to have full-time experience in social work or experience in the delivery of human services in a public or private area.

2. If necessary to implement the change required by this section, the department shall submit a plan amendment or otherwise request authorization from the United States health care financing administration. In addition, as necessary to quickly implement the change, the department may adopt emergency rules under section 17A.4, subsection 2, and section

17A.5, subsection 2, paragraph "b", to implement the provisions of this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 24. EFFECTIVE DATE. Section 23, of this division of this Act, relating to rehabilitative treatment services staff requirements, being deemed of immediate importance, takes effect upon enactment.

DIVISION V TERMINATION OF PARENTAL RIGHTS

Sec. 25. Section 232.111, subsection 2, paragraph a, subparagraph (1), Code 2001, is amended to read as follows:

(1) The child has been placed in foster care for fifteen months ~~or more~~ of the most recent twenty-two-month period. The petition shall be filed by the end of the child's fifteenth month of foster care placement.

DIVISION VI NOTICE PROVISIONS

Sec. 26. Section 232.45, subsection 3, Code 2001, is amended to read as follows:

3. A Reasonable notice that states the time, place, and purpose of the waiver hearing shall be ~~issued and served in the same manner as provided to the persons required to be provided notice~~ for adjudicatory hearings ~~as provided in under~~ section 232.37. Summons, subpoenas, and other process may be issued and served in the same manner as for adjudicatory hearings as provided in section 232.37.

Sec. 27. Section 232.54, subsection 8, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Notice requirements of this section shall be satisfied ~~in the same manner as for~~ by providing reasonable notice to the persons required to be provided notice for adjudicatory hearings ~~as provided in under~~ section 232.37, except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. At a hearing under this section all relevant and material evidence shall be admitted.

Sec. 28. Section 232.88, Code 2001, is amended to read as follows:

232.88 SUMMONS, NOTICE, SUBPOENAS, AND SERVICE.

After a petition has been filed the court shall issue and serve summons, ~~notice~~, subpoenas, and other process in the same manner as for adjudicatory hearings in cases of juvenile delinquency as provided in section 232.37. ~~In addition~~ Reasonable notice shall be provided to the persons required to be provided notice under section 232.37, except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. In addition, reasonable notice for any hearing under this division shall be provided to the agency, facility, institution, or person, including a foster parent, relative, or ~~an~~ other individual providing preadoptive care, with whom a child has been placed.

DIVISION VII PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

Sec. 29. CLIENT FINANCIAL PARTICIPATION. The department of human services shall work with private providers of psychiatric medical institution for children (PMIC) services to eliminate or substantially reduce the requirement that PMIC providers must collect client financial participation in the cost of services and during fiscal year 2001-2002 shall submit to the governor and general assembly proposals to achieve this purpose.

Sec. 30. Section 135H.10, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Except for those psychiatric medical institutions for children which are specialized to provide substance abuse treatment, unless expressly authorized in statute, the department of human services shall not include services provided by psychiatric medical institutions for children in any managed care contract.

Approved May 16, 2001

CHAPTER 136

INFECTIOUS AND CONTAGIOUS DISEASES IN ANIMALS — REGULATION AND REMEDIES

S.F. 470

AN ACT relating to the regulation of infectious and contagious diseases in animals, and providing for penalties.

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

Section 1. Section 163.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

~~In the enforcement of~~ The department shall administer and enforce the provisions of this chapter, and rules adopted by the department pursuant to this chapter. In administering the provisions of this chapter, the department of agriculture and land stewardship shall have power to do all of the following:

Sec. 2. Section 163.6, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 3. Section 163.18, Code 2001, is amended to read as follows:

163.18 FALSE REPRESENTATION.

~~Any A person who shall not knowingly makes any make a false representation as to the purpose for which a about the shipment of animals an animal that is being or will be made, with the intent to avoid or prevent an the animal's inspection of such animals for the purpose of determining that is conducted in order to determine whether the animals are animal is free from disease, shall be guilty of a simple misdemeanor.~~

Sec. 4. Section 163.23, Code 2001, is amended to read as follows:

163.23 FALSE CERTIFICATES OF HEALTH — PENALTY.

~~Any A veterinarian issuing shall not issue~~ A veterinarian issuing shall not issue a certificate of health for an animal knowing that the animal described ~~therein in the certificate of health~~ in the certificate of health was not the same animal from which ~~the tests were made as a basis for issuing the certificate or who.~~ A veterinarian shall not otherwise falsifies any such falsify a certificate shall be guilty of a fraudulent practice of health.

Sec. 5. Section 163.24, Code 2001, is amended to read as follows:

163.24 USING FALSE CERTIFICATE.

~~Any A person, firm, or corporation importing, exporting, or transporting shall not conduct a transaction to import, export, or transport an animal within this state or selling sell or offering offer for sale any an animal for which, if the person uses a certificate of health~~