

**Senate File 2233 - Introduced**

SENATE FILE 2233  
BY SENG and McCOY

**A BILL FOR**

1 An Act providing for the treatment of animals other than  
2 agricultural animals, by providing for regulation of  
3 commercial establishments, providing for reporting of  
4 threatened animals, providing for fees, providing penalties,  
5 and including effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.1, Code 2009, is amended to read as  
2 follows:

3 **162.1 Policy Purpose and scope.**

4 1. The purpose of this chapter is to do all of the  
5 following:

6 ~~1. a. To insure~~ Insure that all dogs and cats handled by  
7 ~~boarding kennels, commercial kennels, commercial breeders,~~  
8 ~~dealers, and public auctions~~ commercial establishments are  
9 provided with humane care and treatment ~~by regulating.~~

10 b. Regulate the transportation, sale, purchase, housing,  
11 care, handling, and treatment of ~~such animals~~ dogs and cats by  
12 persons ~~or organizations~~ engaged in transporting, buying, or  
13 selling them ~~and to provide.~~

14 c. Provide that all vertebrate animals consigned to pet  
15 shops are provided humane care and treatment by regulating the  
16 transportation, sale, purchase, housing, care, handling, and  
17 treatment of such animals by pet shops.

18 ~~2. d. To authorize~~ Authorize the sale, trade, or adoption  
19 of only those animals which appear to be free of infectious or  
20 communicable disease.

21 ~~3. e. To protect~~ Protect the public from zoonotic disease.

22 2. This chapter does not apply to livestock as defined  
23 in section 717.1 or any other agricultural animal used in  
24 agricultural production as provided in chapter 717A.

25 Sec. 2. Section 162.2, Code Supplement 2009, is amended by  
26 adding the following new subsections:

27 NEW SUBSECTION. 4A. "*Animal Welfare Act*" means the  
28 federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations  
29 promulgated by the United States department of agriculture and  
30 published in 9 C.F.R. ch. 1.

31 NEW SUBSECTION. 4B. "*Authorization*" means a state license,  
32 certificate of registration, or permit issued or renewed by the  
33 department to a commercial establishment as provided in section  
34 162.2A.

35 NEW SUBSECTION. 6A. "*Commercial establishment*" or

1 *"establishment"* means an animal shelter, boarding kennel,  
2 commercial breeder, commercial kennel, dealer, pet shop, pound,  
3 public auction, or research facility.

4 NEW SUBSECTION. 8A. *"Department"* means the department of  
5 agriculture and land stewardship.

6 NEW SUBSECTION. 9A. *"Federal license"* means a license  
7 issued by the United States department of agriculture to a  
8 person classified as a dealer or exhibitor pursuant to the  
9 federal Animal Welfare Act.

10 NEW SUBSECTION. 9B. *"Federal licensee"* means a person to  
11 whom a federal license as a dealer or exhibitor is issued.

12 NEW SUBSECTION. 10A. *"Permittee"* means a commercial  
13 breeder, dealer, or public auction to whom a permit is issued  
14 by the department as a federal licensee pursuant to section  
15 162.2A.

16 NEW SUBSECTION. 15A. *"Registrant"* means a pound, animal  
17 shelter, or research facility to whom a certificate of  
18 registration is issued by the department pursuant to section  
19 162.2A.

20 NEW SUBSECTION. 16A. *"State fiscal year"* means the fiscal  
21 year described in section 3.12.

22 NEW SUBSECTION. 16B. *"State licensee"* means any of the  
23 following:

24 a. A boarding kennel, commercial kennel, or pet shop to whom  
25 a state license is issued by the department pursuant to section  
26 162.2A.

27 b. A commercial breeder, dealer, or public auction to whom  
28 a state license is issued in lieu of a permit by the department  
29 pursuant to section 162.2A.

30 Sec. 3. Section 162.2, subsection 13, Code Supplement 2009,  
31 is amended to read as follows:

32 13. *"Pound" or "dog pound"* means a facility for the  
33 prevention of cruelty to animals operated by the state, a  
34 municipal corporation, or other political subdivision of the  
35 state for the purpose of impounding or harboring seized stray,

1 homeless, abandoned or unwanted dogs, cats or other animals; or  
2 a facility operated for such a purpose under a contract with  
3 any municipal corporation or incorporated society.

4 Sec. 4. NEW SECTION. 162.2A Application, issuance, and  
5 renewal of authorizations.

6 1. The department shall provide for the operation  
7 of a commercial establishment by issuing or renewing an  
8 authorization, including any of the following:

9 a. A certificate of registration for a pound, animal,  
10 shelter, or research facility.

11 b. A state license for a boarding kennel, commercial kennel,  
12 or pet shop.

13 c. A state license or permit for a commercial breeder,  
14 dealer, or public auction. A federal licensee must apply for  
15 and be issued either a permit or a state license in lieu of a  
16 permit.

17 2. A person must be issued a separate state license,  
18 certificate of registration, or permit for each commercial  
19 establishment owned or operated by the person.

20 3. A person must apply for the issuance or renewal of an  
21 authorization on forms and according to procedures required by  
22 rules adopted by the department. The application shall contain  
23 information required by the department, including but not  
24 limited to all of the following:

25 a. The person's name.

26 b. The person's principal office or place of business.

27 c. The name, address, and type of establishment covered by  
28 the authorization.

29 d. The beginning and end of the person's fiscal year.

30 4. The authorization expires on an annual basis as  
31 provided by the department, and must be renewed by the  
32 commercial establishment on an annual basis on or before the  
33 authorization's expiration date.

34 5. a. A commercial establishment applying for the issuance  
35 or renewal of a permit shall provide the department with proof

1 that the person is a federal licensee.

2     *b.* The department shall not require that it must enter onto  
3 the premises of a commercial establishment in order to issue a  
4 permit. The department shall not require that it must enter  
5 onto the premises of a commercial establishment in order to  
6 renew a permit, unless it has reasonable cause to monitor the  
7 commercial establishment as provided in section 162.10C.

8     Sec. 5. NEW SECTION. **162.2B Fees.**

9     The department shall establish, assess, and collect fees as  
10 provided in this section.

11     1. A commercial establishment shall pay authorization fees  
12 to the department for the issuance or renewal of a certificate  
13 of registration, state license, or permit.

14     *a.* For the issuance or renewal of a certificate of  
15 registration, seventy-five dollars.

16     *b.* For the issuance or renewal of a state license or permit,  
17 one hundred seventy-five dollars. However, a commercial  
18 breeder who owns, keeps, breeds, or transports a greyhound dog  
19 for pari-mutuel wagering at a racetrack as provided in chapter  
20 99D shall pay a different fee for the issuance or renewal of a  
21 state license as provided in rules adopted by the department.

22     2. The department shall retain all fees that it collects  
23 under this section for the exclusive purpose of administering  
24 and enforcing the provisions of this chapter. The fees shall  
25 be considered repayment receipts as defined in section 8.2.  
26 The general assembly shall appropriate moneys to the department  
27 each state fiscal year necessary for the administration and  
28 enforcement of this chapter.

29     Sec. 6. Section 162.3, Code 2009, is amended by striking the  
30 section and inserting in lieu thereof the following:

31     **162.3 Operation of a pound — certificate of registration.**

32     A pound shall only operate pursuant to a certificate of  
33 registration issued or renewed by the department as provided  
34 in section 162.2A. A pound may sell dogs or cats under its  
35 control, if sales are allowed by the department. The pound

1 shall maintain records as required by the department in order  
2 for the department to ensure the pound's compliance with the  
3 provisions of this chapter.

4 Sec. 7. Section 162.4, Code 2009, is amended by striking the  
5 section and inserting in lieu thereof the following:

6 **162.4 Operation of an animal shelter — certificate of**  
7 **registration.**

8 An animal shelter shall only operate pursuant to a  
9 certificate of registration issued or renewed by the department  
10 as provided in section 162.2A. An animal shelter may sell dogs  
11 or cats if sales are allowed by the department. The animal  
12 shelter facility shall maintain records as required by the  
13 department in order for the department to ensure the animal  
14 shelter's compliance with the provisions of this chapter.

15 Sec. 8. NEW SECTION. **162.4A Operation of a research**  
16 **facility — certificate of registration.**

17 A research facility shall only operate pursuant to a  
18 certificate of registration issued by the department as  
19 provided in section 162.2A. The research facility shall  
20 maintain records as required by the department in order for the  
21 department to ensure the research facility's compliance with  
22 the provisions of this chapter. A research facility shall not  
23 purchase a dog or cat from a commercial establishment that does  
24 not have a valid authorization issued or renewed under this  
25 chapter or a similar authorization issued or renewed by another  
26 state.

27 Sec. 9. Section 162.5, Code 2009, is amended by striking the  
28 section and inserting in lieu thereof the following:

29 **162.5 Operation of a pet shop — state license.**

30 A pet shop shall only operate pursuant to a state license  
31 issued or renewed by the department pursuant to section  
32 162.2A. The pet shop shall maintain records as required by the  
33 department in order for the department to ensure the pet shop's  
34 compliance with the provisions of this chapter. A pet shop  
35 shall not purchase a dog or cat from a commercial establishment

1 that does not have a valid authorization issued or renewed  
2 under this chapter or a similar authorization issued or renewed  
3 by another state.

4 Sec. 10. NEW SECTION. **162.5A Operation of a boarding kennel**  
5 **— state license.**

6 A boarding kennel shall only operate pursuant to a state  
7 license issued by the department as provided in section 162.2A.  
8 The boarding kennel shall maintain records as required by  
9 the department in order for the department to ensure the  
10 boarding kennel's compliance with the provisions of this  
11 chapter. A boarding kennel shall not purchase a dog or cat  
12 from a commercial establishment that does not have a valid  
13 authorization issued or renewed under this chapter or a similar  
14 authorization issued or renewed by another state.

15 Sec. 11. Section 162.6, Code 2009, is amended by striking  
16 the section and inserting in lieu thereof the following:

17 **162.6 Operation of a commercial kennel — state license.**

18 A commercial kennel shall only operate pursuant to a state  
19 license issued or renewed by the department as provided in  
20 section 162.2A. A commercial kennel shall maintain records  
21 as required by the department in order for the department to  
22 ensure the commercial kennel's compliance with the provisions  
23 of this chapter. A commercial kennel shall not purchase a dog  
24 or cat from a commercial establishment that does not have a  
25 valid authorization issued or renewed under this chapter or a  
26 similar authorization issued or renewed by another state.

27 Sec. 12. Section 162.7, Code 2009, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 **162.7 Operation of a dealer — state license or permit.**

30 A dealer shall only operate pursuant to a state license,  
31 or a permit, issued or renewed by the department as provided  
32 in section 162.2A. A dealer who is a state licensee shall  
33 maintain records as required by the department in order for the  
34 department to ensure compliance with the provisions of this  
35 chapter. A dealer who is a permittee may but is not required

1 to maintain records. A dealer shall not purchase a dog or cat  
2 from a commercial establishment that does not have a valid  
3 authorization issued or renewed under this chapter or a similar  
4 authorization issued or renewed by another state.

5 Sec. 13. Section 162.8, Code 2009, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 **162.8 Operation of a commercial breeder — state license or**  
8 **permit.**

9 A commercial breeder shall only operate pursuant to a state  
10 license, or a permit, issued or renewed by the department  
11 as provided in section 162.2A. A commercial breeder who is  
12 a state licensee shall maintain records as required by the  
13 department in order for the department to ensure the commercial  
14 breeder's compliance with the provisions of this chapter. A  
15 commercial breeder who is a permittee may but is not required  
16 to maintain records. A commercial breeder shall not purchase a  
17 dog or cat from a commercial establishment that does not have a  
18 valid authorization issued or renewed under this chapter or a  
19 similar authorization issued or renewed by another state.

20 Sec. 14. NEW SECTION. **162.9A Operation of a public auction**  
21 **— state license or permit.**

22 A public auction shall only operate pursuant to a state  
23 license, or a permit, issued or renewed by the department  
24 as provided in section 162.2A. A public auction which is  
25 a state licensee shall maintain records as required by the  
26 department in order for the department to ensure the public  
27 auction's compliance with the provisions of this chapter. A  
28 public auction which is a permittee may but is not required to  
29 maintain records. A public auction shall not purchase a dog or  
30 cat from a commercial establishment that does not have a valid  
31 authorization issued or renewed under this chapter or a similar  
32 authorization issued or renewed by another state.

33 Sec. 15. NEW SECTION. **162.10A Commercial establishments —**  
34 **standard of care.**

35 1. a. A commercial establishment shall provide for a



1 standard of care that ensures that an animal in its possession  
2 or under its control is not lacking any of the following:

3 (1) Adequate feed, adequate water, housing facilities,  
4 sanitary control, or grooming practices, if such lack causes  
5 adverse health or suffering.

6 (2) Veterinary care.

7 *b.* A commercial establishment, other than a research  
8 facility or pet shop, shall provide for the standard of care  
9 for dogs and cats in its possession or under its control, and a  
10 research facility or pet shop shall provide for the standard  
11 of care for vertebrate animals in its possession or under its  
12 control.

13 2. *a.* Except as provided in paragraph "b" or "c", a  
14 commercial establishment shall comply with rules that the  
15 department adopts to implement subsection 1. A commercial  
16 establishment shall be regulated under this paragraph "a"  
17 unless the person is a state licensee as provided in paragraph  
18 "b" or a permittee as provided in paragraph "c".

19 *b.* A state licensee who is a commercial breeder owning,  
20 breeding, transporting, or keeping a greyhound dog for  
21 pari-mutuel wagering at a racetrack as provided in chapter 99D  
22 may be required to comply with different rules adopted by the  
23 department.

24 *c.* A permittee is not required to comply with rules that the  
25 department adopts to implement a standard of care as provided  
26 in subsection 1 for state licensees and registrants. The  
27 department may adopt rules regulating a standard of care for  
28 a permittee, so long as the rules are not more restrictive  
29 than required for a permittee under the Animal Welfare Act.  
30 However, the department may adopt prescriptive rules relating  
31 to the standard of care. Regardless of whether the department  
32 adopts such rules, a permittee meets the standard of care  
33 required in subsection 1, if it voluntarily complies with rules  
34 applicable to state licensees or registrants. A finding by  
35 the United States department of agriculture that a permittee

1 complies with the Animal Welfare Act is not conclusive when  
2 determining that the permittee provides a standard of care  
3 required in subsection 1.

4 3. A commercial establishment fails to provide for a  
5 standard of care as provided in subsection 1, if the commercial  
6 establishment commits abuse as described in section 717B.2,  
7 neglect as described in section 717B.3, or torture as provided  
8 in section 717B.3A.

9 Sec. 16. NEW SECTION. 162.10B **Commercial establishments —**  
10 **inspecting state licensees and registrants.**

11 The department may inspect the commercial establishment of  
12 a registrant or state licensee by entering onto its business  
13 premises at any time during normal working hours. The  
14 department may inspect records required to be maintained by the  
15 state licensee or registrant as provided in this chapter. If  
16 the owner or person in charge of the commercial establishment  
17 refuses admittance, the department may obtain an administrative  
18 search warrant issued under section 808.14.

19 Sec. 17. NEW SECTION. 162.10C **Commercial establishments**  
20 **— monitoring permittees.**

21 1. The department may monitor the commercial establishment  
22 of a permittee by entering onto its business premises at  
23 any time during normal working hours. The department shall  
24 monitor the commercial establishment for the limited purpose of  
25 determining whether the permittee is providing for a standard  
26 of care required for permittees under section 162.10A. If  
27 the owner or person in charge of the commercial establishment  
28 refuses admittance, the department may obtain an administrative  
29 search warrant issued under section 808.14.

30 2. In order to enter onto the business premises of a  
31 permittee's commercial establishment, the department must have  
32 reasonable cause to suspect that the permittee is not providing  
33 for the standard of care required for permittees under section  
34 162.10A. Reasonable cause must be supported by any of the  
35 following:

1 a. An oral or written complaint received by the department  
2 by a person. The complainant must provide the complainant's  
3 name and address and telephone number. Notwithstanding chapter  
4 22, the department's record of a complaint is confidential,  
5 unless any of the following apply:

6 (1) The results of the monitoring are used in a contested  
7 case proceeding as provided in chapter 17A or in a judicial  
8 proceeding.

9 (2) The record is sought in discovery in any administrative,  
10 civil, or criminal case.

11 (3) The department's record of a complaint is filed by a  
12 person other than an individual.

13 b. A report prepared by a person employed by the United  
14 States department of agriculture that requires a permittee to  
15 take action necessary to correct a breach of standard of care  
16 required of federal licensees by the Animal Welfare Act or of  
17 permittees by section 162.10A. The department is not required  
18 to dedicate any number of hours to viewing or analyzing such  
19 reports.

20 3. When carrying out this section, the department may  
21 cooperate with the United States department of agriculture.  
22 The department shall report any findings resulting in an  
23 enforcement action under section 162.10D to the United States  
24 department of agriculture.

25 Sec. 18. NEW SECTION. 162.10D Commercial establishments  
26 — disciplinary actions.

27 1. The department may take disciplinary action against a  
28 person by suspending or revoking the person's authorization for  
29 violating a provision of this chapter or chapter 717B, or who  
30 commits an unlawful practice under section 714.16.

31 2. The department may require that an owner, operator, or  
32 employee of a commercial establishment subject to disciplinary  
33 action under subsection 1 to complete a continuing education  
34 program as a condition for retaining an authorization.

35 This section does not prevent a person from voluntarily

1 participating in a continuing education program.

2 3. The department shall administer the continuing education  
3 program by either providing direct instruction or selecting  
4 persons to provide such instruction. The department is not  
5 required to compensate persons for providing the instruction,  
6 and may require attendees to pay reasonable fees necessary to  
7 compensate the department providing the instruction or a person  
8 selected by the department to provide the instruction. The  
9 department shall, to every extent possible, select persons to  
10 provide the instruction by consulting with organizations that  
11 represent commercial establishments, including but not limited  
12 to the Iowa pet breeders association.

13 4. The department shall establish the criteria for a  
14 continuing education program which shall include at least three  
15 and not more than eight hours of instruction. The department  
16 shall provide for the program's beginning and ending dates.  
17 However, a person must complete the program in twelve months  
18 or less.

19 Sec. 19. Section 162.11, subsections 1 and 3, Code 2009, are  
20 amended by striking the subsections.

21 Sec. 20. Section 162.11, subsection 2, Code 2009, is amended  
22 by striking the subsection and inserting in lieu thereof the  
23 following:

24 2. This chapter does not apply to a federal licensee except  
25 as provided in the following:

26 a. Sections 162.1, 162.2, 162.2A, 162.2B, 162.7, 162.8,  
27 162.9A, 162.10A, 162.10C, 162.10D, 162.12A, and 162.13.

28 b. Section 162.16 but only to the extent required to  
29 implement sections described in paragraph "a".

30 Sec. 21. NEW SECTION. 162.12A **Civil penalties.**

31 The department shall establish, impose, and assess civil  
32 penalties for violations of this chapter. The department may  
33 by rule establish a schedule of civil penalties for violations  
34 of this chapter. All civil penalties collected under this  
35 section shall be deposited into the general fund of the state.

1 1. *a.* A commercial establishment that operates pursuant  
2 to an authorization issued or renewed under this chapter is  
3 subject to a civil penalty of not more than five hundred  
4 dollars, regardless of the number of animals possessed or  
5 controlled by the commercial establishment, for violating this  
6 chapter. Except as provided in paragraph "*b*", each day that a  
7 violation continues shall be deemed a separate offense.

8 *b.* This paragraph applies to a commercial establishment  
9 that violates a standard of care involving housing as provided  
10 in section 162.10A. The departmental official who makes  
11 a determination that a violation exists shall provide a  
12 corrective plan to the commercial establishment describing how  
13 the violation will be corrected within a compliance period of  
14 not more than fifteen days from the date of approval by the  
15 official of the corrective plan. The civil penalty shall not  
16 exceed five hundred dollars for the first day of the violation.  
17 After that day, the department shall not impose a civil penalty  
18 for the violation during the compliance period. The department  
19 shall not impose an additional civil penalty, unless the  
20 commercial establishment fails to correct the violation by the  
21 end of the compliance period. If the commercial establishment  
22 fails to correct the violation by the end of the compliance  
23 period, each day that the violation continues shall be deemed a  
24 separate offense.

25 2. A commercial establishment that does not operate  
26 pursuant to an authorization issued or renewed under this  
27 chapter is subject to a civil penalty of not more than one  
28 thousand dollars, regardless of the number of animals possessed  
29 or controlled by the commercial establishment, for violating  
30 this chapter. Each day that a violation continues shall be  
31 deemed a separate offense.

32 Sec. 22. Section 162.13, Code 2009, is amended to read as  
33 follows:

34 **162.13 ~~Penalties~~ Criminal penalties — confiscation.**

35 1. ~~Operation of a pound, animal shelter, pet shop, boarding~~

~~1 kennel, commercial kennel, research facility, or public  
2 auction, or dealing in dogs or cats, or both, either as a  
3 dealer or a commercial breeder, without a currently valid  
4 license or a certificate of registration is~~ A person who  
5 operates a commercial establishment without an authorization  
6 issued or renewed by the department as required in section  
7 162.2A is guilty of a simple misdemeanor and each day of  
8 operation is a separate offense.

9 2. ~~The failure of any pound, research facility, animal  
10 shelter, pet shop, boarding kennel, commercial kennel,  
11 commercial breeder, public auction, or dealer, to adequately  
12 house, feed, or water dogs, cats, or vertebrate animals in  
13 the person's or facility's possession or custody~~ a person  
14 who owns or operates a commercial establishment to meet the  
15 standard of care required in section 162.10A, subsection 1, is  
16 a simple misdemeanor. The animals are subject to seizure and  
17 impoundment and may be sold or destroyed as provided by rules  
18 which shall be adopted by the department pursuant to chapter  
19 17A. The rules shall provide for the destruction of an animal  
20 by a humane method, including by euthanasia.

21 3. ~~The failure of a person who owns or operates a commercial~~  
22 establishment to meet the requirements of this section is  
23 also cause for the suspension or revocation or suspension  
24 of license or registration after public hearing of the  
25 person's authorization as provided in section 162.10D. The  
26 commission of an act declared to be an unlawful practice under  
27 section 714.16 or prohibited under chapter 717 or 717B, by  
28 a person licensed or registered under this chapter is cause  
29 for revocation or suspension of the license or registration  
30 certificate.

31 4. ~~Dogs, cats, and other vertebrates~~ vertebrate  
32 animals upon which euthanasia is permitted by law may be  
33 destroyed by a person subject to this chapter or chapter 169,  
34 by a humane method, including euthanasia, as provided by rules  
35 which shall be adopted by the department pursuant to chapter

1 17A.

2 5. It is unlawful for a dealer to knowingly ship a diseased  
3 animal. A dealer violating this paragraph is subject to a  
4 fine not exceeding one hundred dollars. Each diseased animal  
5 shipped in violation of this paragraph is a separate offense.

6 Sec. 23. Section 162.16, Code 2009, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **162.16 Rules.**

9 The department shall adopt rules and promulgate forms  
10 necessary to administer and enforce the provisions of this  
11 chapter.

12 Sec. 24. Section 717B.1, Code 2009, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 3A. "*Department*" means the department of  
15 agriculture and land stewardship.

16 Sec. 25. NEW SECTION. **717B.10 Threatened animal reporting**  
17 **by veterinarians.**

18 This section applies to a veterinarian who is licensed or who  
19 holds a valid temporary permit to practice veterinary medicine  
20 in this state pursuant to chapter 169.

21 1. A veterinarian who is presented with an animal for  
22 examination or treatment shall file a threatened animal report  
23 if the veterinarian determines that the animal is a threatened  
24 animal.

25 2. The department shall establish a system of receiving and  
26 filing threatened animal reports, including the promulgation  
27 of forms. A threatened animal report shall be in writing in  
28 a printed or electronic format as required by the department.  
29 The threatened animal report shall include information as  
30 required by the department which shall at least include all of  
31 the following:

32 a. Information identifying the veterinarian.

33 b. Information identifying the responsible party, including  
34 the name and address of the responsible party.

35 c. Information identifying the threatened animal,

1 including by family and species classification, the name and a  
2 description of the threatened animal, and any other identifying  
3 information accessed from an installed identification device  
4 as defined in section 169A.1.

5 *d.* The date that the veterinarian examined or treated the  
6 threatened animal.

7 *e.* A summary description of the threatened animal's  
8 condition and any required treatment whether or not  
9 administered.

10 3. A veterinarian shall use best efforts to complete the  
11 threatened animal report, but is not required to conduct an  
12 inquiry in order to obtain information solely to complete the  
13 report.

14 4. A veterinarian who in good faith files a threatened  
15 animal report with the department shall not be criminally or  
16 civilly liable, including for damages for acts or omissions  
17 in preparing or filing the threatened animal report, or  
18 cooperating with the department or a local authority. The good  
19 faith of the veterinarian is presumed as a matter of law.

20 5. A veterinarian is not required to file a threatened  
21 animal report if any of the following apply:

22 *a.* The veterinarian when examining or treating a threatened  
23 animal is any of the following:

24 (1) Employed by the state or local authority.

25 (2) Under contract with state or local authority.

26 (3) Under the supervision of the state or local authority.

27 *b.* The veterinarian is conducting an examination or  
28 treatment pursuant to court order.

29 6. The department may forward a threatened animal report  
30 to the local authority where the responsible party resides  
31 or where the threatened animal is kept. The department may  
32 investigate a commercial establishment identified as the  
33 responsible party in a threatened animal report.

34 7. The department shall record a veterinarian who fails to  
35 file a threatened animal report as required by this section.



1 Prior to recording the veterinarian, the department shall  
2 notify the veterinarian of its determination and provide the  
3 veterinarian with an opportunity to contest the determination  
4 pursuant to chapter 17A. A veterinarian who is recorded and  
5 who subsequently fails to file a threatened animal report  
6 is guilty of a simple misdemeanor. The department may  
7 refer information regarding such failure subsequent to the  
8 veterinarian's recording under this subsection to the county  
9 attorney in the county where the veterinarian is practicing  
10 or to the attorney general who may initiate and carry out  
11 the prosecution in cooperation, if possible, with the county  
12 attorney.

13 Sec. 26. REPEAL. Sections 162.9, 162.10, and 162.18, Code  
14 2009, are repealed.

15 Sec. 27. CURRENT DEPARTMENTAL RULES. This Act does not  
16 diminish the authority of the department of agriculture and  
17 land stewardship to regulate different types of commercial  
18 establishments as provided in 21 IAC ch. 67.

19 Sec. 28. ISSUANCE OF PERMITS. This Act does not require  
20 a commercial establishment that has been issued or renewed a  
21 certificate of registration to be issued a permit earlier than  
22 required in section 162.2A for the renewal of a permit. The  
23 person shall hold the certificate of registration in the same  
24 manner as a permit pursuant to this Act.

25 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
26 of immediate importance, takes effect upon enactment.

27 EXPLANATION

28 GENERAL. This bill provides for the regulation of  
29 commercial establishments that possess or control animals,  
30 other than animals used for an agricultural purpose, by the  
31 department of agriculture and land stewardship. Under current  
32 law an animal shelter, pound, or research facility must obtain  
33 a certificate of registration; a pet shop, boarding kennel, or  
34 commercial kennel must obtain a state license; and a commercial  
35 breeder, dealer, and public auction must obtain a certificate

1 of registration because they are federally licensed. The bill  
2 provides that a commercial breeder, dealer, and public auction  
3 must obtain a permit instead of a certificate of registration.  
4 All of these documents are referred to as authorizations.

5 AUTHORIZATION. The bill provides that a commercial  
6 establishment must pay a fee for being issued or renewed an  
7 authorization. The bill increases fees required to be paid for  
8 the issuance or renewal of an authorization. The bill requires  
9 the department to establish different fees for greyhounds kept  
10 for racing. It places a restriction upon the department's  
11 power to enter onto the premises of a commercial establishment  
12 being issued a permit.

13 PURCHASE OF DOGS AND CATS BY UNAUTHORIZED COMMERCIAL  
14 ESTABLISHMENTS. The bill prohibits a research facility, pet  
15 shop, boarding kennel, commercial kennel, dealer, commercial  
16 breeder, or public auction from purchasing a dog or cat from a  
17 commercial establishment, that is not authorized in this state  
18 or another state.

19 STANDARD OF CARE. The bill requires that commercial  
20 establishments must operate pursuant to an authorization and  
21 requires registrants and state licensees to maintain records.  
22 The bill provides for a general standard of care for all  
23 commercial establishments. The commercial establishment must  
24 ensure that an animal in its possession or under its control is  
25 not lacking adequate feed, adequate water, housing facilities,  
26 sanitary control, grooming practices affecting the health of  
27 the animal, or veterinary care. A registrant or state licensee  
28 must comply with departmental rules, with two exceptions.  
29 The department may adopt different rules that apply to state  
30 licensees who keep greyhounds for racing. A permittee may meet  
31 the standard of care without complying with the departmental  
32 rules. It may also fail to meet the standard of care even  
33 though it passes a federal inspection. The department may  
34 adopt rules implementing a standard of care so long as the  
35 rules are not more restrictive than the federal Animal Welfare

1 Act. The bill allows the department to adopt prescriptive  
2 rules. A person who commits animal cruelty under Code chapter  
3 717B fails to meet the standard of care.

4 ENTERING ONTO THE BUSINESS PREMISES. The bill provides  
5 that the department may inspect a registrant or state licensee  
6 by entering onto its business premises and may inspect its  
7 records. The department may monitor a permittee by entering  
8 onto its business premises for the limited purpose of  
9 determining whether the permittee is providing for the required  
10 standard of care. In order to enter onto the premises of a  
11 permittee, the department must have reasonable cause supported  
12 by an oral or written complaint or a report filed by the United  
13 States department of agriculture. The bill provides for the  
14 confidentiality of complaints filed by individuals unless they  
15 are relevant to an administrative or court proceeding.

16 DISCIPLINARY ACTIONS. The bill provides that the department  
17 may take disciplinary action against a commercial establishment  
18 by suspending or revoking the commercial establishment's  
19 authorization. The department may require that an owner,  
20 operator, or employee of a commercial establishment complete  
21 a continuing education program which is supervised by the  
22 department but may be administered by a person selected by the  
23 department.

24 EXCEPTIONS. The bill eliminates provisions that exempted  
25 federal licensees from regulations. It provides that  
26 permittees are subject to regulation as expressly provided in  
27 the Code chapter.

28 PENALTIES. The bill authorizes the department to establish,  
29 impose, and assess civil penalties for violations of the bill's  
30 provisions. For an authorized commercial establishment the  
31 civil penalty is up to \$500 per each day of a violation. For a  
32 housing violation, the civil penalty is assessed for the first  
33 day, but not for the subsequent 15 days to allow for correction  
34 according to a departmental plan.

35 Generally a person who violates a standard of care is guilty

1 of a simple misdemeanor. The bill provides that a person  
2 who operates a commercial establishment without obtaining an  
3 authorization is guilty of a simple misdemeanor. A simple  
4 misdemeanor is punishable by confinement for no more than 30  
5 days or a fine of at least \$65 but not more than \$625 or by  
6 both.

7 RULES. The bill authorizes the department to adopt rules  
8 necessary to administer and enforce the provisions of the bill  
9 amending Code chapter 162. It eliminates a provision that  
10 provides the department cannot adopt rules more stringent than  
11 federal regulations.

12 CURRENT DEPARTMENTAL RULES. The bill provides that it  
13 does not diminish the authority of the department to regulate  
14 different types of commercial establishments as provided in its  
15 rules.

16 MANDATORY REPORTING BY VETERINARIANS. The bill provides  
17 that a veterinarian who is licensed or who holds a valid  
18 temporary permit to practice veterinary medicine under Code  
19 chapter 169 must file a report with the department if the  
20 veterinarian determines that an animal other than livestock is  
21 threatened by neglect, abuse, or cruelty as those offenses are  
22 defined in Code chapter 717B. The bill provides for procedures  
23 required to file a report. The department may forward the  
24 report to a local authority for enforcement. There is no  
25 penalty for a veterinarian who on the first occasion fails to  
26 file a report. The bill shields a veterinarian who files a  
27 report with the department in good faith from criminal or civil  
28 liability. A veterinarian who subsequently fails to file a  
29 report after the department provides the veterinarian a warning  
30 for the first offense is guilty of a simple misdemeanor.

31 A simple misdemeanor is punishable by confinement for no  
32 more than 30 days and a fine of at least \$65 but not more than  
33 \$625 or both.

34 EFFECTIVE DATE. The bill takes effect upon enactment.