ARC 0678D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to animal welfare and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 67, "Animal Welfare," Iowa Administrative Code, and to adopt a new Chapter 67 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 162.16.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 162.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 67 to clarify animal welfare requirements, remove duplicative provisions, and update standards for regulated commercial establishments. The proposed rules require annual veterinary examinations for dogs and cats in commercial breeders' care; address licensing and animal counting for guardian-home arrangements; and strengthen grooming, preventive veterinary care, housing, sanitation, fire safety, and emergency planning requirements. The rulemaking also establishes specific vaccination ages and intake deadlines, allows rescues to receive animals under the revised vaccination schedule, and updates veterinary agreement requirements. Amendments to dog-day-care provisions revise staffing thresholds and space requirements and provide flexibility in rest periods. The proposed rulemaking also updates recordkeeping and inspection provisions and extends licensing disqualification periods following revocation, relinquishment during a pending revocation, or court findings of animal mistreatment. These changes are intended to improve clarity, support consistent oversight, and protect animal health and welfare while updating operational requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on November 17, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
ANIMAL WELFARE

21—67.1(162) Definitions.

"Acclimated" means the animal is accustomed to a climate or environment and has the ability to maintain its body temperature.

"Adequate grooming" means the provision of care necessary to maintain an animal's coat, skin, nails, ears, and overall hygiene in a condition that prevents pain, injury, disease or impairment of normal movement or bodily functions.

"Adequate space" means the animals contained within the primary enclosure all must have the ability to comfortably turn about, stand erect, sit or lie with limbs fully extended.

"Animal mistreatment" means the same as defined in Iowa Code chapter 717B.

"Breeding male or female" means any sexually intact adult dog or cat over 12 months of age.

"Cleaning" means the mechanical removal of organic matter and waste through the application of soap, detergent or other cleaning agent followed by the rinsing of all surfaces with clean water.

"Commingle" means to combine animals from different owners in a common area or enclosure.

"Common area" means any area where dogs are commingled for exercise or social interaction.

"Direct and immediate visual supervision" means a person providing visual supervision is located on the premises and within the line of sight of the animal and is available to provide immediate attention to the animals within the group.

"Distemper" means canine distemper virus or feline panleukopenia virus.

"Dog day care" means a facility licensed as a commercial kennel or a boarding kennel and designed and operated with the intention that a dog admitted to the facility is allowed, in compliance with this chapter, to commingle and interact with other dogs in one or more playgroups operating in the facility.

"Facility" means all buildings, yards, pens and other areas, or any portion thereof, at a single location in which any animal is kept, handled, or transported for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, rescuing or otherwise transferring.

"Foster care home" means a private residence that is authorized to provide temporary shelter and care for dogs or cats that has been accepted by a foster oversight organization.

"Foster oversight organization" means a registered animal shelter or pound or licensed dealer that has been authorized by the department to utilize foster care homes in its operation.

"Group housing" means more than two animals housed together within the same primary enclosure.

"Guardian home" means a person or residence, other than a boarding kennel or commercial kennel, that pursuant to an agreement provides the primary housing and care of a breeding male or female for another person who is engaged in the business of breeding dogs or cats, and that provides that the person who is engaged in the business of breeding dogs or cats retains a portion of breeding rights of the breeding male or female in the guardian home or retains interest in the offspring of the breeding male or female.

"Identification" means breed, color, markings, sex, and age of the dog or cat. If applicable, identification can also include a microchip number, rabies tag number, tattoo, or other similar form of identification.

"In-home facility" means an individual required to be licensed as a boarding kennel, commercial breeder, commercial kennel, or dealer who maintains or harbors animals within the individual's residence.

"Isolation" means the separation, for the period of communicability, of infected animals from other animals in such a place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.

"Isolation facility" means the location where animals infected with disease may be placed to contain, control and limit the spread of disease.

"Kennel" means a facility, location, or area where dogs or cats are brought together or commingled for the purpose of but not limited to boarding, grooming, or training.

"Licensee" means any person or facility authorized to operate pursuant to Iowa Code chapter 162.

"Parvo" means canine parvovirus or feline panleukopenia virus.

"Potable water" means liquid water suitable for drinking.

"Rescue" means a person or group of persons, licensed as a dealer, who holds itself out as an animal rescue, or who accepts, purchases, exchanges or solicits for dogs or cats with the intention of finding permanent adoptive homes or providing lifelong care for such dogs and cats or who uses foster homes as a primary means of housing dogs or cats.

"Rescue manager" means any person designated by a rescue to carry out the responsibilities of the rescue.

"Residence" means any area or space where a person lives or resides.

"Sanitize" means to disinfect inanimate objects to eliminate as many or all pathogenic microorganisms, except bacterial spores.

"Seizure and impoundment," as used in this chapter, means either of the following:

1. The confinement of the animals to the property of the owner or custodian of the animals with provisions being made for the care of the animals pending review and final disposition.
2. The physical removal of the animals to another facility for care pending review and final disposition.

"Transfer" means to adopt, sell, give away, trade, barter, exchange, return or convey ownership of an animal.

"Veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

21—67.2(162) Animals included in rules. "Dog," as that term is used in the rules, includes hybrid dog mixtures. "Animals," as that term is used in rules relating to boarding kennels, commercial kennels, commercial breeders, dealers, public auctions, and animal shelters, means dogs and cats. "Animals," as that term is used in rules relating to pounds and pet shops, means dogs, cats, rabbits, rodents, nonhuman primates, birds, or other vertebrate animals, excluding fish.

21—67.3(162) Housing facilities and primary enclosures.

67.3(1) *Housing facilities.*

a. Buildings shall be of adequate structure and maintained in good repair so as to ensure protection of animals from injury.

b. Shelter shall be provided to allow access to shade from direct sunlight and regress from exposure to wind, rain or snow. Heat, insulation, or clean and dry bedding adequate to provide comfort shall be provided when the atmospheric temperature is below 50°F or the temperature to which the particular animals are acclimated. Indoor housing facilities shall be provided for dogs and cats under the age of eight weeks and for dogs and cats within two weeks of whelping. Dogs and cats that are not acclimated to the temperatures prevalent in the area or region where they are kept and sick, aged, young or infirm dogs and cats cannot be housed in outdoor facilities.

c. Temperature and humidity.

(1) Housing facilities for dogs and cats must be capable of controlling the temperature and humidity in the housing facility and sufficiently heated and cooled when necessary to protect dogs and cats from temperature or humidity extremes and to provide for their well-being.

(2) When dogs and cats are present, the ambient temperature in the housing facility cannot fall below 50°F for dogs and cats not acclimated to lower temperatures, for breeds that cannot tolerate lower temperatures without stress or discomfort, and for sick, aged, young or infirm dogs and cats except as approved by the attending veterinarian. Heat, insulation, clean and dry bedding or other methods of conserving body heat that are adequate to provide comfort shall be provided when the atmospheric temperature is below 50°F. The ambient temperature must not fall below 45°F or rise above 85°F for more than four consecutive hours when dogs or cats are present.

(3) Relative humidity must be maintained at a level that ensures the health and well-being of the animals housed in the housing facility, including:

1. Maintaining humidity levels between 30 percent and 70 percent; and
2. Rapidly eliminating odors from within the building.

d. Ventilation. Housing facilities shall at all times be provided with ventilation by means of doors, windows, vents, air conditioning or direct flow of fresh air that is adequate to provide for the good health and comfort of the animals. Such ventilation shall be environmentally provided so as to maintain adequate temperature and humidity and minimize drafts, moisture condensation, odors or stagnant vapors of excreta. Auxiliary ventilation, such as fans, blowers or air conditioning, must be provided when the ambient temperature is above 85°F.

e. Adequate lighting shall be provided by natural or artificial means, or both, during sunrise to sunset hours to allow efficient cleaning of the facilities, routine inspection of the facilities and animals contained therein and well-being of the animals.

f. Ceilings, walls and floors shall be constructed so as to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair and maintained so that they are substantially impervious to moisture. Floors and walls to a height of four feet shall have finished surfaces. No sharp or jagged edges may be present that may injure an animal. Animal contact surfaces must be free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal.

g. Food supplies and bedding materials shall be stored so as to adequately protect them from contamination or infestation by vermin or other factors that would render the food or bedding unclean. Separate storage facilities shall be used to store cleaning and sanitizing equipment and supplies. Cleaning and sanitation supplies must not be accessible to animals within the housing facility. Cleaning and sanitation supplies actively in use may be maintained within or immediately adjacent to a supervised play area when secured and inaccessible to animals.

h. Washrooms, basins or sinks for maintaining cleanliness among animal caretakers and the sanitizing of food and water supplies shall be provided within or be readily accessible to each housing facility.

i. Equipment shall be available for removal and disposal of all waste materials from housing facilities to minimize vermin infestation, odors and disease hazards. Drainage systems shall be functional to effect the above purposes.

j. Group housing is permitted for animals that are compatible with one another, except as otherwise stated herein. Adequate space shall be provided to prevent crowding and to allow freedom of movement and comfort to animals of the size that are housed in the facility. Females in estrus shall not be housed with males except for breeding purposes.

k. Facilities shall be provided to isolate diseased animals and to prevent exposure to healthy animals.

l. Outdoor dog areas shall be of sound construction and kept in good repair so as to safely contain the animal(s) therein without injury. Floors shall be concrete, gravel or materials that can be regularly cleaned and kept free of waste accumulation. Grass areas are permissible provided that adequate ground cover is maintained, holes are kept filled and the ground cover is not allowed to become overgrown. Ground cover composed of wood is permissible but must be removed daily. Artificial turf is permissible so long as it is regularly cleaned, it is kept free of waste accumulation, odor is controlled and the drainage system underneath is maintained. Dog areas utilizing wire floors are permissible provided that the wire floors are structurally sound and adequately maintained. Wire flooring cannot cause injury or discomfort to any animal contained in an outdoor area and must:

(1) Have a solid resting surface(s) of adequate size for the animal(s) to lie on their side; solid resting surface(s) must be of adequate size to contain all animals.

(2) Be in good repair, free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal;

(3) Be free of jagged or sharp edges, and constructed so as to lend itself to efficient cleaning and sanitizing; and

(4) Be coated and of a gauge and construction to prevent bending and sagging and to prevent physical harm to an animal or entrapment of the toes or feet of an animal housed within the primary enclosure.

m. Housing facilities and areas used for storage of food or bedding must be free of trash, garbage, waste, weeds, debris and other materials potentially harmful to animals.

n. Animal areas must be kept clean, neat, and free of clutter.

o. The department may limit the number of animals allowed in any housing facility based on but not limited to the number of available primary enclosures, the animal care space available within a facility, or lack of available personnel to care for the animals.

p. Facilities must maintain working smoke alarms and have a means of fire suppression.

67.3(2) *Primary enclosures.*

a. Primary enclosures shall be of sound construction and maintained in good repair to protect the animals from injury. No sharp points, protruding wires or jagged edges may be present that may cause injury to an animal. Animal contact surfaces must be free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal. Animal contact surfaces must also be free of jagged edges, sharp points and anything that may cause injury to an animal.

b. Construction materials and maintenance shall allow the animals to be kept clean and dry. Walls and floors shall be impervious to urine and other moisture and lend themselves to efficient cleaning and sanitizing.

c. A primary enclosure shall provide for adequate space appropriate for the age, size, weight, breed, and temperament of the animal.

d. The shape and size of the enclosure shall afford adequate space for the individual animal(s) within the enclosure. Adequate space includes but is not limited to allowing the animal the ability to comfortably reposition, turn about, stand erect, sit or lie while limbs are fully extended.

e. A nursing bitch or queen must be provided additional space. The amount of additional space required should be based on the breed and behavioral characteristics of the animal.

f. The department may limit the number of animals housed in a primary enclosure based on but not limited to the amount of available and usable floor space, personnel available to care for the animals and the compatibility of the animals within the enclosure.

g. Group housing.

(1) Group housing for animal shelters, pounds, commercial breeders, pet shops, dealers, public auctions or research facilities is permitted for animals that are compatible with one another, except as otherwise stated herein. Adequate space shall be provided to prevent crowding and to allow freedom of movement and comfort to animals of the size that are housed within the primary enclosure. No more than 12 adult dogs or cats may be housed in the same primary enclosure. Dogs and cats shall not be housed in the same primary enclosure. Group housing shall not adversely affect the health of the animal(s).

(2) Group housing in boarding kennels and commercial kennels is permitted only if the animals are owned by the same person and are compatible or by operating as a dog day care as required in rule 21—67.8(162).

h. Elevated resting surfaces are required for all cats housed in groups of four or more. Elevated resting surfaces must be collectively large enough and of sufficient quantity to simultaneously hold all occupants of a primary enclosure and must be impervious to moisture, easily cleaned and sanitized, easily replaced, and of sufficient elevation for the cats enclosed in the primary enclosure to comfortably lie under the elevated surfaces.

i. Litter boxes containing clean litter shall be provided at all times for kittens and cats. Adequate litter boxes must be provided for the number of cats within a primary enclosure. Primary enclosures must have adequate space for a litter box so that litter does not contaminate food and water. Litter boxes must:

(1) Be cleaned at minimum once daily or more often as necessary to prevent the accumulation of animal waste and odor;

(2) Contain adequate litter and be of adequate size; and

(3) Be cleaned and sanitized in a separate sink from food and water containers. If a separate sink is not available, then the sink must be cleaned and sanitized after the litter boxes are washed and before anything else is washed in the sink.

j. Animal waste, including used cat litter, must be removed from primary enclosures at minimum once daily or more frequently to prevent the accumulation of waste, to prevent contamination of the animals contained within the primary enclosure, and to eliminate odors and must be discarded in accordance with state, county and local ordinances.

k. Means shall be provided to maintain the temperature, humidity and ventilation as described in subrule 67.3(1) that are comfortable for the species within the primary enclosure. Lighting shall be adequate to allow observation of the animals, but the animals shall be protected from excessive illumination.

l. Animals shall be removed from their primary enclosures at least twice in each 24-hour period and exercised unless the primary enclosure is of sufficient size to provide for sufficient exercise. The amount of exercise should be appropriate for the age, breed, and health condition of the animal. Impounded animals, animals deemed too dangerous to be removed from the primary enclosure, and animals undergoing rabies quarantine may be exempt from removal from their primary enclosure but must be housed in a primary enclosure large enough to allow for exercise within the primary enclosure. Animals under the medical supervision of a veterinarian may be exempt in writing from exercise if exemption is deemed medically appropriate by the attending veterinarian.

m. Doghouses with tethered restraints cannot be used as primary enclosures for dogs or for the purpose of exercise.

n. Primary enclosures containing wire flooring cannot cause injury or discomfort to any animal contained in the primary enclosure, and the wire flooring must:

(1) Have a solid resting surface(s) of adequate size for the animal(s) to lie on their side; Solid resting surface(s) must be of adequate size to contain all animals within the primary enclosure.

(2) Be in good repair, free of excessive rust that prevents required cleaning and sanitizing or that affects the structural strength of the surface or that may be detrimental to the health of the animal;

(3) Be free of jagged or sharp edges, and constructed so as to lend itself to efficient cleaning and sanitizing; and

(4) Be coated and of a gauge and construction to prevent bending and sagging and to prevent physical harm to an animal or entrapment of the toes or feet of an animal housed within the primary enclosure.

o. When primary enclosures are stacked, all stacked enclosures must be secured so that the upper primary enclosure(s) cannot fall in a manner that may cause injury or harm to any animal. A means to prevent urine, feces, and other debris from passing into or being discharged into the underlying primary enclosure(s) is required.

p. All enclosures must be impermeable to water and easily cleaned and sanitized.

q. Bedding within primary enclosures must be easily cleaned and sanitized or disposable. Bedding must be removed or cleaned and sanitized every 24 hours or more frequently as necessary to maintain cleanliness.

r. Primary enclosures shall utilize latches that cannot be inadvertently opened or shall be equipped with some form of locking device so as to prevent the accidental release of the animal contained in the primary enclosure.

21—67.4(162) General care and husbandry standards.

67.4(1) *Feeding and watering.*

a. All species covered under Iowa Code chapter 162 shall be provided with adequate feed and adequate water as defined in Iowa Code chapter 162.

b. Young animals and animals under veterinary care shall be fed and given water at more frequent intervals and with specific diets as their needs dictate.

c. Water must be provided as often as necessary for the health and comfort of the animal. The frequency of providing water should be appropriate to the species, age, condition, and size of the animal as well as the environmental conditions.

d. Water for dogs and cats must be made available at minimum two times daily for at least one hour each time.

e. The containers for food and water must be:

(1) Readily accessible;

(2) Located to minimize contamination with excreta;

(3) Made of durable material that can easily be cleaned and sanitized or be disposable;

(4) Appropriate for the species, size, age and breed of animal; and

(5) Replaced after a single use if the receptacles are disposable.

67.4(2) *Cleaning and sanitation.*

a. Housing facilities and primary enclosures shall be cleaned a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors. Dirt, hair, excreta (including but not limited to urine and feces), food waste, and other debris shall be removed from a primary enclosure daily or at a frequency to prevent their accumulation and the contamination of the animals contained within the primary enclosure. Pressure water systems or live steam may be used for cleaning if animals are removed while the cleaning takes place.

b. Housing facilities and primary enclosures shall be sanitized at intervals not to exceed two weeks or sanitized more frequently as may be necessary to reduce disease hazards. Sanitizing shall be done by washing the surfaces with hot water (at least 180°F (82.2°C)) and soap or detergent, followed by the application of a safe and effective disinfectant. Runs and exercise areas having gravel or other nonpermanent surface materials shall be sanitized by periodic removal of soiled materials, application of suitable disinfectants, and replacement of the soiled materials with clean surface materials. Dirt, hair, excreta, food waste, and other debris shall be removed before sanitizing begins. Manufacturer labels

shall be followed for dilution and contact time for all soaps, detergents, disinfectants, or other chemicals used for sanitization.

c. An effective program shall be established and maintained for the control of vermin infestation.

d. Before a primary enclosure, food or water container or bedding is used for another animal, the primary enclosure, food or water container or bedding shall be cleaned and sanitized.

67.4(3) *Veterinary care.*

a. Programs of disease prevention and control shall be established in writing and maintained for all commercial establishments. Programs shall be approved by a veterinarian annually at time of veterinary agreement/inspection.

(1) Commercial establishments, excluding commercial kennels and boarding kennels, shall include:

1. Vaccination schedules, intestinal parasite control (fecals, deworming, etc.), heartworm and ectoparasite prevention, and dental schedules,
2. Cleaning and sanitation protocols,
3. Isolation and emergency procedures, and
4. Grooming practices.

(2) Commercial kennels and boarding kennels shall include:

1. Vaccination requirements,
2. Cleaning and sanitation protocols, and
3. Isolation and emergency procedures.

b. Sick, diseased or injured animals shall be provided with prompt veterinary care or disposed of by euthanasia. Euthanasia must be performed in a manner deemed acceptable by and published in the American Veterinary Medical Association Guidelines for Euthanasia of Animals: 2020 Edition.

c. All species regulated under Iowa Code chapter 162 that are infected with infectious, contagious or communicable diseases shall be immediately placed into isolation facilities as provided for in this paragraph to prevent exposure to healthy animals. Isolation facilities must be an area separate from the remainder of the animals in a facility with the ability to contain disease and to reduce the risk of disease spread. Animals in isolation must be cared for separately from the remainder of the animals in a facility. All equipment and supplies used for animals in an isolation facility must be cleaned and disinfected prior to removal from the isolation facility or discarded in a manner that prevents disease spread.

d. Vaccination.

(1) Rabies vaccination.

1. Dogs and cats 16 weeks of age and older within all commercial establishments must be vaccinated for rabies.
2. Rabies titers shall not be accepted by a commercial establishment in lieu of a rabies vaccination.
3. There are no exemptions for rabies vaccination.
4. Dogs and cats under 16 weeks of age not vaccinated for rabies must not be commingled, except with their dam and littermates.
5. Animal shelters, rescues and pounds must vaccinate dogs and cats older than 16 weeks of age in their care for rabies within 14 days of a dog or cat entering the care of the licensee.

(2) Distemper and parvo virus vaccination.

1. Commercial establishments, excluding animal shelters, rescues and pounds. All dogs and cats taken into the care of a dealer (excluding rescue) or transported into housing facilities regulated under Iowa Code chapter 162, excluding animal shelters, rescues and pounds, shall have been vaccinated against distemper and parvo before entering the housing facility or being taken into the care of a dealer (excluding rescue). Dogs and cats may be exempted from distemper or parvo vaccination, or both, by direct written recommendation of the owner's veterinarian stating vaccination would endanger the animal's life; however, dogs and cats that have been exempted may not be commingled.
2. Animal shelters, rescues and pounds must vaccinate dogs and cats in their care for distemper and parvo within 14 days of a dog or cat entering the animal shelter, rescue or pound.
3. All commercial establishments must keep dogs and cats current on vaccinations for rabies, distemper and parvo while in their care.

(3) Vaccine titers shall not be accepted as a form of vaccine verification.

(4) Vaccine verification for admittance of a dog or cat into a commercial establishment, excluding animal shelters and pounds, must be from a veterinarian. Vaccine records and written vaccine exemptions shall be kept on file (paper or electronic).

e. Dogs and cats brought into the state of Iowa must meet importation requirements under rule 21—Chapter 65.

f. Commercial establishments, excluding commercial kennels and boarding kennels, shall enter into a written agreement with a veterinarian licensed by the state of Iowa to provide veterinary care for the animals maintained in the facility. The agreement shall include a requirement that the veterinarian visit the facility at least once every 12 months for the purpose of viewing all the animals in the facility, making a general determination concerning the health/disease status of the animals, and reviewing the facility's program for disease prevention and control. Rescues without facilities and pounds are exempt from the veterinarian visiting the facility. If during the course of the visit the veterinarian identifies an animal that requires a more detailed individual examination to determine the specific condition of the animal or to determine an appropriate course of treatment, then such examination shall be undertaken.

g. Commercial kennels and boarding kennels must have a written agreement with a veterinarian licensed by the state of Iowa to provide veterinary care for an animal in their care should veterinary care be required. The agreement must be updated every two years.

h. If during an inspection of a facility the department finds an animal that appears to have a physical condition or disease that, in the opinion of the inspector, requires a veterinarian's attention, the department may order that the licensee subject the animal to a veterinarian's examination at the licensee's expense. The department may require the licensee to submit written proof of the veterinarian's examination and results of the examination within a time frame set by the department.

67.4(4) *Personnel.*

a. The owner or personnel shall be present at least once in each 24-hour period to supervise and ascertain that the care of animals and maintenance of facilities conform to all of the provisions of Iowa Code chapter 162.

b. A sufficient number of qualified personnel shall be utilized to provide the required care of animals and maintenance of facilities.

67.4(5) *Grooming.* Adequate grooming must be performed as often as necessary to prevent matting, excessive dirt or debris accumulation, overgrown nails, and conditions that may adversely affect the animal's health or welfare.

21—67.5(162) Transportation.

67.5(1) *Primary enclosures for transportation.* Primary enclosures are required within transportation vehicles.

a. Primary enclosures utilized in transportation shall:

(1) Be of sound construction, maintained in good repair to ensure protection of animals from injury, and readily cleaned and sanitized;

(2) Be free of sharp points, jagged edges or protrusions that could injure the animal; and

(3) Securely contain the animal so that the animal cannot injure itself, its handler or any persons or animals nearby.

b. Floors and lower sides shall be constructed or covered on the inner surfaces so as to contain excreta and bedding materials.

c. Adequate space shall be provided so that the animal(s) contained in the primary enclosure may comfortably turn about, stand erect, sit and lie.

d. Openings shall be provided in primary enclosures so that adequate ventilation can be maintained when the primary enclosures are positioned in the transporting vehicle.

e. Primary enclosures shall be cleaned and sanitized before each trip and between animals.

f. The temperature within primary enclosures shall not be allowed to exceed the atmospheric temperature. During transportation, the ambient temperature inside the primary enclosure cannot exceed 85°F for a period of more than four hours, nor may the temperature fall below 45°F for a period of more than four hours. Auxiliary ventilation, such as fans, blowers or air conditioning, must be used in the animal space when the ambient temperature in the space reaches 85°F.

67.5(2) *Vehicles.*

a. Protection shall be afforded to primary enclosures transported in the vehicle, sheltering the animals from drafts and extremes of hot or cold temperatures to which they are not acclimated.

b. Primary enclosures used in transportation shall be securely positioned in the vehicle to protect the animals from injury.

67.5(3) *Care in transit.*

a. Animals in transit shall be provided adequate feed and adequate water as defined in Iowa Code chapter 162.

b. Incompatible animals shall not be placed together during shipment. Females in estrus shall not be placed in the same primary enclosure with a male.

c. Animals shall be inspected at least once in each four-hour period and the primary enclosures cleaned if necessary and the emergency needs of the animals attended to immediately.

d. Animals shall be removed for exercise and their enclosures cleaned if the animals have been en route for a 12-hour period.

21—67.6(162) Purchase, sale, trade and adoption.

67.6(1) Records shall be made and retained for a period of 12 months for any change of ownership of a dog, cat or nonhuman primate, including but not limited to any intake, sale, exchange, transfer, trade, or adoption from any commercial establishment. Records shall be similarly kept on other small vertebrate animals sold or transferred, except that individual identifications shall not be required. Records shall include the following:

a. Date of change of ownership;

b. Identification of animal;

c. Names, mailing addresses, telephone numbers, and email addresses, if available, of seller and purchaser or transferor and recipient;

d. State of Iowa animal welfare license number of the seller or transferor;

e. Source of the animal;

f. Date animal entered the care of and left the care of the commercial establishment;

g. Method and date of euthanasia, if applicable;

h. Transfer of animal within or between commercial establishments;

i. List of prophylactic immunization(s) given, including date(s) administered (if applicable);

j. List of internal parasite medication(s) given and date(s) administered (if applicable); and

k. Description of other medical care provided to the animal, including type of medical care received and date(s) of medical care.

l. For commercial breeders, a written record of dogs and cats in their possession, including identification, date of acquisition and date of departure.

67.6(2) All commercial establishments shall furnish a statement of sale, exchange, transfer, trade, or adoption to each purchaser or recipient of a dog, cat, nonhuman primate, bird, or other vertebrate animal. This statement shall include the following:

a. Names, mailing addresses, telephone numbers, and email addresses, if available, of the seller or transferor and the purchaser or recipient;

b. State of Iowa animal welfare license number of the seller or transferor;

c. Date of sale, transfer, trade, adoption, exchange or any other change of ownership;

d. Description or identification of vertebrate sold;

e. List of prophylactic immunization(s) given, including date(s) administered (if applicable);

f. List of internal parasite medication(s) given and date(s) administered (if applicable); and

g. Description of other medical care provided to the animal, including type of medical care received and date(s) of medical care.

67.6(3) All vertebrate animals regulated under Iowa Code chapter 162 that are known to be exposed to or show symptoms of having infectious, contagious or communicable diseases or that show symptoms of parasitism or malnutrition sufficient to adversely affect the health of the animals are restricted from sale or transfer. The secretary of agriculture may order quarantine on premises or housing facilities in which any of the conditions listed in this subrule exist. Quarantine shall be removed when at

the discretion of the secretary or the secretary's designee, the disease conditions for which quarantined are no longer evident and the apparent health of the animals indicates absence of contagion.

67.6(4) Facilities must develop, document, and follow a contingency plan to maintain the required standards of care of their animals in the event of an emergency or disaster.

21—67.7(162) Boarding kennels, commercial kennels, animal shelters, pounds, dealers, guardian homes.

67.7(1) *Boarding kennels and commercial kennels.*

a. Records shall be made and retained for a period of 12 months for each animal boarded, groomed or trained. Records shall include the following:

(1) Owner's name, address, telephone number and email address;

(2) Identification of animal;

(3) Duration of animal's stay;

(4) Service(s) provided;

(5) Any illnesses that have occurred and veterinary treatment the animal received; and

(6) Written documentation of the animal's vaccinations or vaccination exemptions from a veterinarian.

b. Grooming and training utensils and equipment shall be cleaned and sanitized between use on animals owned by different persons.

67.7(2) *Animal shelters and pounds.*

a. Animal shelters and pounds shall develop and implement a plan providing for the surgical sterilization of all dogs and cats released, unless exempted from this provision in accordance with Iowa Code section 162.20(5).

b. Sterilization agreements shall contain the following:

(1) The name, address, email address and signature of the person receiving custody of the dog or cat.

(2) A complete description of the animal, including any identification.

(3) The signature of the representative of the pound or animal shelter.

(4) The date that the agreement is executed and the date by which sterilization must be completed.

(5) A statement that states the following:

1. Sterilization of the animal is required pursuant to Iowa Code section 162.20.

2. Ownership of the dog or cat is conditioned upon the satisfaction of the terms of the agreement.

3. Failure to satisfy the terms of the agreement constitutes a breach of contract, requiring the return of the dog or cat.

4. A person failing to satisfy the sterilization provisions of the agreement is guilty of a simple misdemeanor.

d. In addition to maintaining the records required by subrule 67.6(1), animal shelters and pounds shall maintain, for a period of 12 months, the following records:

(1) Euthanasia records, including date of entry, source of animal, and date of euthanasia.

(2) Sterilization agreements, including confirmation of sterilization in the form of a receipt furnished by the office of the attending veterinarian.

(3) Disposition records of all animals lawfully claimed by owners, research facilities, or Class B federal dealers.

e. A pound or animal shelter may apply in writing for a sterilization enforcement waiver pursuant to Iowa Code section 162.20(5)*"b"* if the pound or animal shelter is subject to an ordinance by a city or county that includes stricter requirements than provided in Iowa Code section 162.20. The application shall include the name, license number, mailing address, email and telephone number of the pound or animal shelter; the specific requirement of Iowa Code section 162.20 for which the application seeks a waiver; a copy of any prior waivers and a certified copy of the ordinance providing the basis for the waiver application. A waiver application fee of $10 shall accompany the application. The waiver will be effective for one year.

f. A pound or animal shelter shall be subject to civil penalties as provided in Iowa Code section 162.20(3)*"c"* for not procuring and maintaining required records documenting compliance with the

sterilization agreement, successfully seeking return of the animal from a noncompliant custodian, failing to effect a sterilization agreement when required for an animal that is released, or seeking legal recourse as provided in Iowa Code section 162.20(4). The pound or animal shelter shall be entitled to appeal pursuant to Iowa Code chapter 17A.

67.7(3) *Dealers.*

a. A dealer license is required to operate as a dealer in Iowa. This requirement applies to residents and nonresidents of Iowa, including dealers with foster homes in Iowa.

b. Dogs and cats brought into the state of Iowa must meet the importation requirements stated in rule 21—65.10(163).

c. A dealer with housing facilities must meet the requirements provided for housing facilities and primary enclosures in rule 21—67.3(162) and in-home facilities in rule 21—67.9(162).

d. A dealer must maintain records and statement of sales as provided for in rule 21—67.6(162).

e. A dealer approved by the department to act as a fostering oversight organization must meet the requirements for fostering oversight organizations and foster care homes provided in rule 21—67.11(162). A dealer may not utilize or oversee a foster home without prior written authorization of the department.

67.7(4) *Guardian homes.*

a. A person utilizing guardian homes engaging in the business of selling or exchanging dogs or cats, or both, where the guardian home does not own the breeding dogs or cats as a principal or agent, will only operate pursuant to a state license or a permit issued or renewed by the department as provided in Iowa Code section 162.7.

b. A person utilizing guardian homes engaging in the business of selling or exchanging dogs or cats, or both, where the guardian home does own the breeding dogs or cats, will only operate pursuant to a state license or a permit issued or renewed by the department as provided in Iowa Code section 162.8 unless the guardian home owns or harbors three or fewer breeding males or females.

c. In determining whether a person who is engaged in the business of breeding dogs or cats is a commercial breeder based upon the number of dogs or cats the person owns or harbors, dogs or cats in a guardian home shall be included in the count if the person who is engaged in the business of breeding retains any portion of ownership of the dog or cat in the guardian home.

21—67.8(162) Dog day cares.

67.8(1) *Purpose.* The purpose of a dog day care is to allow dogs participating in the day care to become socialized through interaction in playgroups with other compatible dogs.

67.8(2) *Subclassification of license.* Dog day cares can operate as a subclassification of a commercial kennel license or boarding kennel license by complying with rule 21—67.8(162).

67.8(3) *Approval based on number of dogs.* The department will approve a dog day care for a maximum number of dogs based on but not limited to available space, available staff, and staff's ability to supervise dogs.

67.8(4) *Facility requirements.* A facility licensed to be a dog day care shall meet the housing facility and primary enclosure requirements provided for in rule 21—67.3(162). The dog day care shall also comply with the following facility requirements:

a. Group interaction is permitted for dogs, including dogs owned by different owners, that are compatible with one another. A facility licensed as a dog day care shall comply with all requirements in this rule during all hours of operation.

b. The play area for dogs shall provide for a minimum of 25 square feet per dog. Play areas must have a sign placed at the entry of the play area stating the maximum number of dogs allowed in the play area at any one time.

c. Each dog attending dog day care must have a primary enclosure. When not under direct supervision, dogs at a dog day care must be housed within a primary enclosure at all times. Group housing within a primary enclosure is permitted for dogs from the same household that are compatible with one another.

67.8(5) *Sanitation requirements.* A facility licensed to be a dog day care shall comply with the cleaning and sanitation standards provided for in rule 21—67.4(162) and the following requirements:

a. All areas to which a dog has access shall be cleaned and sanitized a minimum of once in each 24-hour period and more frequently as may be necessary to reduce disease hazards and odors.

b. Used primary enclosures, food and water containers and bedding must be cleaned and sanitized before they can be used for another animal.

67.8(6) *Operations.* A facility licensed to be a dog day care shall comply with the following operational standards:

a. A dog, including a dog owned by the dog day care owner or a dog day care employee, shall be admitted into a dog day care only after the day care has:

(1) Subjected the dog to a pre-entry screening process that adequately evaluates the temperament of the dog, the dog's ability to interact with other dogs in a positive manner, and the dog's ability to interact with humans in a positive manner. A written record of the screening shall be maintained by the facility for the time the dog is enrolled in the dog day care.

(2) Obtained from the dog's owner written documentation of the medical history of the dog, including the dog's current vaccination status against distemper, parvo and rabies. Vaccinations are required as outlined in rule 21—67.4(162).

(3) Obtained written documentation that the dog has been spayed or neutered if the dog is over six months of age.

(4) Obtained a written acknowledgment from the dog's owner that the owner understands the inherent risk of injury or disease when dogs owned by different people are allowed to commingle. This written acknowledgment shall be separately signed or initialed by the dog's owner.

b. The dog day care shall separate dogs in the dog day care into playgroups comprised of compatible dogs. Dogs of incompatible personalities or temperaments shall be maintained separately. The day care shall not admit any dog into the day care if the dog has a predisposition to be possessive of either the facility or a person owning or working in the facility. The day care shall not admit any dog that is known to have a predisposition of aggression toward other dogs or people.

c. The dog day care shall make advance arrangements in writing with a veterinarian to provide emergency veterinary care for dogs at the dog day care. This agreement must be updated every two years.

d. A sick, diseased or injured dog shall be immediately removed from the playgroup and isolated. If circumstances indicate that immediate veterinary care is required, the dog shall be taken to a veterinarian or a veterinarian shall be called to examine the dog. The veterinarian can be either a veterinarian whose services have been contracted for by the dog day care or the veterinarian designated by the dog's owner, if a timely examination by that veterinarian is feasible.

e. The feeding of a dog and giving of snacks to a dog shall only be provided when the dog receiving the food or snack is contained within a primary enclosure. Treats for the purpose of training or managing a group of dogs are permissible.

f. A dog day care shall not establish a playgroup composed of more than 60 dogs.

g. A dog day care shall employ sufficient staffing so that there is a minimum of one person supervising each playgroup with 20 or fewer dogs, two people supervising each playgroup with 21 to 40 dogs, and three people supervising each playgroup with 41 to 60 dogs. The person(s) supervising a playgroup must provide constant direct and immediate visual supervision at all times.

h. At all times, a dog day care must ensure that dogs are safe within the dog day care group.

i. Rest time within a primary enclosure or designated quiet area must be provided for a minimum of two hours per day for dogs in day care for more than four hours per day. Direct supervision is not required while dogs are housed within primary enclosures. Rest time does not have to be consecutive hours and can be broken up into smaller increments based upon the age, temperament, health and activity of the dog.

21—67.9(162) In-home facilities.

67.9(1) *Maximum number of animals.* An in-home facility may not maintain or harbor more than six adult animals, including both breeding dogs or cats and surgically sterilized dogs or cats, in the individual's residence.

67.9(2) *Standards.* Notwithstanding subrules 67.4(1) and 67.4(2), an in-home facility shall comply with the following standards:

a. Food supplies and bedding shall be stored so as to adequately protect them from contamination or infestation by vermin or other factors that would render the food or bedding unclean. Separate storage facilities shall be used to store cleaning and sanitizing equipment and supplies.

b. Adequate lighting shall be provided by natural or artificial means, or both, during sunrise to sunset hours. Animals shall be protected from excessive illumination.

c. The building shall be of adequate structure and maintained in good repair so as to ensure protection of animals from injury.

d. Facilities shall be available to isolate diseased animals to prevent exposure to healthy animals.

e. Outdoor areas shall meet standards provided for in subrule 67.3(l).

f. Group housing is permitted as provided for in paragraph 67.3(2)*"g."*

g. Every animal in an in-home facility must have a designated primary enclosure.

h. Litter boxes containing clean litter shall be provided at all times for kittens and cats. Litter boxes must be maintained as provided for in paragraph 67.3(2)*"i."*

i. Means shall be provided to maintain the temperature, humidity and ventilation as described in subrule 67.3(1).

j. Exercise shall be provided as described in subrule 67.3(2).

k. Housing facilities shall be cleaned as set out in subrule 67.4(2) to reduce disease hazards, and an effective program shall be established and maintained for the control of vermin infestation. All surfaces within the in-home facility must be readily cleaned and maintained in good repair.

21—67.10(162) Rescues.

67.10(1) *Rescue manager.* A rescue must designate a rescue manager to carry out the responsibilities of the rescue. The responsibilities of a rescue manager include but are not limited to the following:

a. Establishing criteria for approving foster homes;

b. Approving foster homes;

c. Supervising dogs and cats taken into the care of the rescue;

d. Monitoring and ensuring all foster homes under the rescue's oversight are providing proper care and compliance with relevant laws and rules; and

e. Maintaining rescue records. Such records shall include but are not limited to the following:

(1) Source of the dog or cat;

(2) Date of placement of the dog or cat into a foster home;

(3) Adoption records;

(4) Disposition of dog or cat (if applicable);

(5) Medical care received by the dog or cat; and

(6) Vaccination and deworming records.

67.10(2) *Records.* Rescue records must be made available to the department upon request. A rescue must maintain records and statement of the sale, exchange, transfer, trade or adoption as provided for in rule 21—67.6(162).

67.10(3) *Vaccine requirements.* All dogs and cats taken in by or in the possession of a rescue shall be vaccinated as provided in rule 21—67.4(163). Rescues must provide vaccine records or written exemptions to the department upon request.

67.10(4) *Importation requirements.* Dogs and cats brought into the state of Iowa must meet the importation requirements stated in rule 21—65.10(163).

67.10(5) *Housing facilities and primary enclosures.* A rescue with housing facilities must meet the requirements for housing facilities and primary enclosures in rule 21—67.3(162). Rescues operating as in-home facilities must meet the requirements in rule 21—67.9(162).

67.10(6) *Foster care homes.* A rescue approved by the department to act as a foster oversight organization must meet the requirements for foster oversight organizations and foster care homes provided in rule 21—67.11(162). A dealer may not utilize or oversee a foster care home without prior written authorization of the department.

67.10(7) *General care and husbandry.* A rescue must meet the general care and husbandry standards provided for in rule 21—67.4(162).

67.10(8) *Transportation.* A rescue transporting animals must meet the requirements provided in rule 21—67.5(162).

21—67.11(162) Foster oversight organizations and foster care homes.

67.11(1) A registered animal shelter, registered pound or licensed dealer shall not operate a foster care home or operate an organization that utilizes a foster care home unless the shelter, pound or dealer is in compliance with this rule and other applicable provisions of this chapter and Iowa Code chapter 162. If an out-of-state organization is utilizing foster care homes in Iowa, that organization must also be licensed or registered in the state of Iowa as an animal shelter, pound or dealer.

67.11(2) A registered animal shelter, registered pound or licensed dealer may apply to the department for a permit authorizing the shelter, pound or dealer to utilize one or more foster care homes in carrying out its mission of providing for the care and maintenance of an animal that has been taken in or entrusted to the animal shelter, pound or dealer. For purposes of this rule, an animal shelter, pound or dealer that has been granted such authorization shall be considered a foster oversight organization. Failure to obtain a permit as a foster oversight organization constitutes a violation of this chapter.

67.11(3) A registered animal shelter, registered pound or licensed dealer seeking to obtain a permit to be a foster oversight organization shall make application to the department on a form prescribed by the department. The application shall be submitted to the department at the same time that the registered animal shelter, registered pound or licensed dealer submits its certificate of registration renewal or license renewal application. The permit application shall provide sufficient information to allow the department to determine the ability of the proposed foster oversight organization to provide adequate screening and oversight of any foster care home operating under the authority of the foster oversight organization.

a. Such application shall include but not be limited to the following information:

(1) The proposed foster oversight organization's plan for providing oversight of the foster care home. The plan shall include the frequency of inspections of the foster care home by the foster oversight organization and the criteria to be used by the foster oversight organization in reviewing the foster care home during periodic inspections. The plan shall also include the actions to be taken by the foster oversight organization in the event that the foster oversight organization determines that the foster care home is not adequately providing for the animals in the foster care home. Foster oversight organizations shall inspect foster care homes annually, at minimum, and an annual written inspection report must be on file with the foster oversight organization. Annual inspection reports shall be retained for a minimum of two years.

(2) The name, mailing address, email address and telephone number of the staff person connected with the proposed foster oversight organization who will have primary responsibility for administering the proposed foster care program.

(3) The name, mailing address, email address and telephone number of a secondary staff person connected with the proposed foster oversight organization who will have responsibility for administering the proposed foster care program in the absence of the primary administrator.

(4) The number of foster care homes the foster oversight organization is applying for and currently oversees. During the first year of application, the foster oversight organization will be limited to a maximum of 20 foster care homes. Upon renewal of the foster oversight organization permit, the foster oversight organization may apply for more than 20 foster care homes, subject to the approval of the department.

(5) Copies of all forms utilized by the foster oversight organization. This includes but is not limited to inspection forms and applications.

(6) The number of paid employees, both full-time and part-time, working for the foster oversight organization, the number of volunteers serving the foster oversight organization, and the number of volunteer hours utilized per week.

(7) The criteria used to determine if a foster care home is capable of caring for an animal.

(8) The actions taken by the foster oversight organization if the foster care home is unable to care for an animal.

b. If the foster oversight organization changes locations, a new application must be submitted.

c. If the primary or secondary contact listed on the application is no longer associated with the foster oversight organization, the department must be notified and provided with the name, mailing address, email address and telephone number of the staff person administering the foster care program.

d. The foster oversight organization must provide documentation to demonstrate that the foster oversight organization has sufficient infrastructure to adequately supervise all foster care homes and the care of the animals within the foster care homes.

67.11(4) The initial approval of a foster oversight organization shall be in effect only until the next expiration date of the registered animal shelter's, registered pound's, or licensed dealer's license. Thereafter, a foster oversight organization permit renewal shall be concurrent with the facility's certificate of registration or license renewal unless circumstances otherwise require.

Foster oversight agreements must be renewed yearly at the same time that the registered animal shelter, registered pound, or licensed dealer submits its license renewal application and fee. The renewal agreement must contain the number of foster care homes for which the animal shelter or pound is requesting approval.

67.11(5) A foster oversight organization shall require that all persons seeking to operate a foster care home under the foster oversight organization submit a written application to the foster oversight organization specifying the proposed foster care home's qualifications, including but not limited to the ability of the foster care home to provide adequate care, exercise, feed, water, shelter, space, and veterinary care.

67.11(6) A foster oversight organization shall not be authorized to approve more than 20 foster care homes during the first year of operation. In granting a permit to a foster oversight organization, the department may further restrict the number of foster care homes a particular foster oversight organization may utilize if the department determines that the foster oversight organization does not have adequate personnel to supervise the number of foster care homes for which authorization was sought or the adequate ability to care for all animals in foster care. The department may authorize the foster oversight organization to approve more than 20 foster care homes only if the department finds that the foster oversight organization has and maintains adequate personnel assigned to provide sufficient oversight of foster care homes.

67.11(7) A foster oversight organization shall not authorize a foster care home to have in its care more than six dogs and cats, including dogs and cats owned by the foster care home, with the exception of a litter of puppies or kittens under 16 weeks of age. A litter of puppies or kittens under 16 weeks of age is considered the equivalent of one dog or cat. The mother of the litter of puppies or kittens is considered one dog or cat. No more than two litters of puppies or kittens under 16 weeks of age may be in a foster home at any given point in time.

67.11(8) A person who has been found to have engaged in or participated in an act constituting animal abandonment, neglect, cruelty, or abuse shall not be authorized to operate a foster care home. In addition, if a person has had a license or permit issued under Iowa Code chapter 162 or under the United States Department of Agriculture's animal care program revoked or has surrendered that person's license in lieu of revocation, then that person shall not be authorized to operate a foster care home.

67.11(9) A foster oversight organization shall not place a sexually intact dog or cat in a foster care home where there is a sexually intact dog or cat of the opposite sex of the same species unless the foster oversight organization determines that the fostered dog or cat is too young to breed. If the foster oversight organization determines that a sexually intact dog or cat may be placed in a foster care home with another sexually intact dog or cat of the opposite sex of the same species because the fostered dog or cat is too young to breed, then the foster oversight organization shall monitor the physical development of the fostered dog or cat to either remove the dog or cat before it is capable of breeding or to neuter or spay the fostered dog or cat.

67.11(10) The foster oversight organization shall retain a copy of all the following documents for a period of 24 months and shall make such documents available for inspection by the department during regular business hours:

a. Applications to operate a foster care home, including any written approvals, conditional approvals, or denials.

b. Inspections or other reports relating to the operation of a foster care home. Inspection forms must be kept on file for each foster home. Inspections of a foster care home must be conducted by the foster oversight organization at minimum yearly.

c. Any written complaints or notes written by staff of the foster oversight organization relating to an oral complaint against a foster care home.

d. Any documents relating to the investigation or other resolution of a complaint regarding a foster care home.

e. Any documents relating to the revocation or suspension of a foster care home's authorization.

f. A current list of animals in foster care homes.

67.11(11) The foster oversight organization shall maintain detailed records as to which animals have been placed in a foster care home, when each animal was placed in a foster care home, and the ultimate disposition of each animal.

67.11(12) All adoptions and euthanasia of animals placed in a foster care home shall be the responsibility of the foster oversight organization and shall not be performed by the foster care home unless an emergency euthanasia must be performed by a licensed veterinarian to prevent the needless suffering of the animal.

67.11(13) All deaths, injuries, or emergency euthanasia occurring within a foster care home shall be reported to the foster oversight organization within 24 hours of the event.

67.11(14) It is the primary responsibility of the foster oversight organization to provide for oversight and regulation of its foster care homes; however, the department may choose to inspect a foster care home if the department determines that it would be in the best interests of the animals being maintained in the foster care home to conduct the inspection or if the department deems an inspection desirable to determine whether a foster oversight organization is properly fulfilling its role of screening and oversight of foster care homes. If the department determines that either serious or chronic problems exist in a foster care home, the department may order the foster oversight organization to suspend or rescind the authorization of the foster care home. The foster oversight organization shall immediately obtain physical examinations of all animals previously placed in the foster care home.

67.11(15) If the department determines that a foster oversight organization is not providing adequate screening or oversight of its foster care homes, the department may suspend or rescind the foster oversight organization's authorization to use foster care homes.

67.11(16) If the department suspends or revokes the license of an animal shelter, pound or dealer that is also a foster oversight organization, then the authorization to operate of the foster oversight organization and that of the foster care homes operating under the foster oversight organization shall immediately cease.

21—67.12(162) Public health.

67.12(1) Animal wardens aiding in the enforcement of the provisions of Iowa Code chapter 162 shall enlist veterinary aid in programming control measures to protect the public from zoonotic diseases that may be suspected to be on the premises of a licensee or registrant.

67.12(2) Animals, housing facilities, or premises may be placed under quarantine by order of the secretary of agriculture when it is deemed necessary to protect the public from zoonotic diseases or to contain the spread of infectious, contagious or communicable disease.

21—67.13(162) Access, seizure and impoundment.

67.13(1) *Access to facilities and records.* The premises, housing facilities and records required by Iowa Code chapter 162 and this chapter shall be open for inspection by authorized personnel of the department during the department's normal business hours. Failure to be available for inspection or refusing to allow inspection constitutes a violation of this chapter.

67.13(2) *Seizure and impoundment.*

a. Failure of any pound, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction or dealer to adequately house, feed, water or care for the animals in the person's or facility's possession or custody may subject the animals to seizure and impoundment. Seizure and impoundment shall be at the discretion of the secretary of agriculture. Standards to guide discretion shall include but not be limited to the following:

(1) An assessment of the condition of the animals, including but not limited to direct visual examination. Such assessment may include procedures and testing necessary to accurately determine disease, nutritional, and health status.

(2) An assessment as to the likelihood that the condition of the animals will deteriorate if action is not taken.

(3) An assessment as to the degree of failure to provide for the animals. Primary consideration will be based on the general health of the animals and the adequacy with which the animals are being provided with food, water, shelter, sanitary conditions, grooming, or veterinary care.

(4) An assessment as to the history, if any, of the facility's compliance, noncompliance, and willingness to take corrective action. Such an assessment will be based on past inspection reports completed by regulatory personnel from the appropriate licensing agency.

(5) Court determination, if any, as to the existence of cruelty, abuse or neglect under Iowa Code chapter 717B.

(6) The willingness of the facility to allow frequent monitoring and the ability of the department or local law enforcement officers to provide this service.

(7) A determination as to whether adequate impoundment facilities or resources exist and are available for use by the department for the seizure and impoundment of animals.

b. In proceeding under this subrule, the department may either:

(1) Petition the court in the county where the facility is located for an ex parte court order authorizing seizure and impoundment, either separately or as part of an action commenced pursuant to Iowa Code chapter 717B. The petition shall request an expedited hearing within seven days of the order for seizure and impoundment. The expedited hearing shall determine final disposition of the animals seized and impounded.

(2) Issue an administrative order authorizing seizure and impoundment. The order shall state the finding of facts on which issuance of the order was based. The order shall be personally served upon the owner or manager of the facility. If the owner or manager cannot be found after a reasonable effort to locate, the notice shall be posted conspicuously at the facility. The notice shall state the time and place of an administrative hearing to determine the appropriateness of the seizure and impoundment; and if such seizure and impoundment is upheld, then the hearing shall determine final disposition of the animals seized and impounded.

The administrative hearing shall be held within three days of the seizure unless a continuance is agreed upon by the department and the owner. A decision at the administrative hearing will not be stayed by the department for more than 48 hours pending appeal without a court order. However, the department may delay the disposition if the department determines the delay is desirable for the orderly disposition of the animals. Unless otherwise provided in this subrule, the department will follow adopted departmental rules on the conduct of the administrative hearing.

c. The release of animals for final disposition to the department will allow for the sale, adoption or euthanasia of the animals. Determination of the most appropriate option for final disposition of a specific animal shall reside with the department and be based on but not limited to the animal's physical health, the presence of any condition that would necessitate treatment of significant duration or expense, and the appropriateness of the animal as a pet. All due consideration shall be given to the sale or adoption of an animal as the preferable option of disposition.

d. Any moneys generated from the sale or adoption of animals shall be used to provide compensation for the cost of care of the animals while impounded or the cost of disposition. Any residual moneys shall be directed to the owner. If the moneys generated from the sale and adoption of

the animals are insufficient to meet the costs incurred in caring for the animals, the difference may be recovered in an action against the owner of the animals.

e. The department may arrange for impoundment services, including final disposition, with any licensed facility able to adequately provide for the care and disposition of the animals. Animals for which an order is issued authorizing seizure and impoundment shall be individually identified and records maintained relating to their care and final disposition. The department, or its representatives, shall be allowed access during normal business hours to the records and impounded animals.

f. In lieu of seizure and impoundment, the secretary of agriculture may authorize a one-time dispersal of animals, including by sale, as a remedial option. The owner may petition the department in writing for full or partial dispersal. The petition shall address the terms and conditions for dispersal that are being requested. The department may require additional terms and conditions. The terms and conditions governing dispersal will be contingent upon department approval. Such approval shall be in writing.

g. Conditions of this subrule and subrule 67.13(1) and Iowa Code sections 162.13 and 162.14 shall likewise apply to all eligible licensees and registrants, whether or not they have been properly licensed by Iowa Code chapter 162.

21—67.14(162) Loss of license or denial of license.

67.14(1) If the license of a licensee is revoked or is relinquished by the licensee while a revocation action is pending, the licensee shall not be eligible to reapply for a new license for at least five years from the date of the revocation or relinquishment. If a licensee has been found in court to have committed an act of animal mistreatment, the licensee shall not be eligible for a new license for at least five years if the act is a misdemeanor or at least eight years if the act is a felony from the date of the revocation or relinquishment. If an applicant has been found in court to have committed an act of animal mistreatment, the applicant shall not be eligible for a license for at least five years if the act is a misdemeanor or at least eight years if the act is a felony from the date of the conviction or guilty plea. The prohibition against relicensure or licensure in this subrule shall include any partnership, firm, corporation, or other legal entity in which the person has a substantial interest, financial or otherwise, and any person who has been or is an officer, agent or employee of the licensee during the period of time in which the violation upon which the revocation or conviction was based occurred. The department may waive the five-year bar to relicensure arising from a revocation or relinquishment of a license where a revocation action was pending. Such waiver shall be made on a case-by-case basis. Such waiver shall only be given if the department finds that the conditions that resulted in the revocation or revocation action have been addressed and there is little likelihood that they will be replicated.

67.14(2) If the license of a licensee is revoked or if the license is voluntarily relinquished by the licensee, the licensee shall file with the department a written plan detailing the numbers and types of animals in its facilities and how these animals are going to be legally disposed of to ensure that the animals are being humanely handled and to ensure that the remaining animals are being maintained properly. The licensee shall submit this plan to the department no later than ten calendar days from the date of revocation or relinquishment of the license.

21—67.15(162) Applicability to commercial establishments with federal licenses. In addition to obtaining the permit from the department, any person who operates a commercial establishment under a current and valid federal license shall provide care ensuring adequate feed, water, and housing facilities and appropriate sanitary control, grooming practices and veterinary care. The department has the authority to inspect the premises and the required records.

21—67.16(162) Acceptable forms of euthanasia. The euthanasia of all animals kept in facilities regulated under Iowa Code chapter 162 and these rules shall be performed in a manner deemed acceptable by and published in the American Veterinary Medical Association Guidelines for Euthanasia of Animals: 2020 Edition.

21—67.17(162) Research facilities.

67.17(1) *Definitions.* For purposes of this rule, the following definitions are used:

"Animal rescue organization" means a person other than an animal shelter operating on a nonprofit basis to place unwanted, abandoned, abused, or stray dogs or cats in permanent adopted homes.

"Qualified research facility" means the following:

1. A research facility, including but not limited to a regents institution, that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose, and that receives moneys from the state or federal government.

2. A research facility that conducts experiments on dogs or cats for research, education, testing, or another scientific purpose, in collaboration with a research facility described in paragraph "1."

"Retired animal" means a dog or cat confined at a qualified research facility if the dog or cat has been previously used for research, education, testing, or another scientific purpose, and the dog or cat is no longer required to be confined by the qualified research facility for any of those purposes.

67.17(2) *Adoption program required.*

a. A qualified research facility shall enter into a written agreement with an animal shelter or animal rescue organization to facilitate the placement of retired animals. The qualified research facility shall include signed copies of each agreement annually upon renewal of authorization.

b. A retired animal must have no substantial medical condition, and pose no safety risk to the public, that would prevent the dog's or cat's successful integration into a permanent adoptive home.

c. A qualified research facility may offer to transfer ownership and custody of the retired animal to a person for private placement in the person's permanent adoptive home according to an arrangement agreed to by the qualified research facility and the person. The qualified research facility shall keep a record of the transfer, including contact information of the individual taking possession of the retired animal, and shall retain the record for a period of at least 12 months.

67.17(3) *Records required.* Records must be made available to the department upon request. A qualified research facility must maintain records and statement of the sale, exchange, transfer, trade or adoption as provided for in rule 21—67.6(162). Records shall be made and retained for a period of 12 months.

21—67.18(162) Commercial breeders—annual physical examination. Dogs and cats in the care of a commercial breeder must have at least one regular veterinary physical examination from nose to tail not less than once every 12 months. Record of examination must be kept in writing and available for inspection.

These rules are intended to implement Iowa Code chapter 162.