

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

**Proposing rule making related to animal welfare
and providing an opportunity for public comment**

The Agriculture and Land Stewardship Department hereby proposes to amend Chapter 67, “Animal Welfare,” Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

The purpose of this proposed rule making is to accomplish the following:

- Allow for larger dog playgroups, of up to 30 dogs, while maintaining the same 15 dogs to one person ratio.
- Decrease allowable play area size from 75 square feet per dog to 50 square feet per dog.
- Allow overnight group housing of dogs within dog day cares.
- Update euthanasia guidelines to the most current version of the American Veterinary Medical Association Guidelines.
- Update language for consistency.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 21—Chapter 8.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 22, 2020. Comments should be directed to:

Maury Noonan
Iowa Department of Agriculture and Land Stewardship
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa
Email: rules@iowaagriculture.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 29, 2020
11 a.m. to 12 noon

Via conference call
866.685.1580
Access code: 742 290 3352#

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule-making actions are proposed:

ITEM 1. Amend rule **21—67.1(162)**, definition of “Ample space,” as follows:

“~~Ample 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.

ITEM 2. Amend paragraph **67.3(1)“e”** as follows:

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

ITEM 3. Amend paragraph **67.3(2)“d”** as follows:

d. The shape and size of the enclosure shall afford ~~ample adequate~~ space for the individual animals within the enclosure. ~~Ample 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. Cats must have adequate space for a litter box so that litter does not contaminate food and water.

ITEM 4. Amend paragraph **67.3(2)“g”** as follows:

g. Group housing is permitted for animals that are compatible with one another, except as otherwise stated herein. ~~Ample Adequate~~ space shall be provided to prevent crowding and to allow freedom of movement and comfort to animals of the size which 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.

ITEM 5. Amend paragraph **67.4(3)“b”** as follows:

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: ~~2013~~ 2020 Edition.

ITEM 6. Amend paragraph **67.7(1)“e”** as follows:

e. Group housing is permitted only if the animals are owned by the same person and are compatible, except as where permitted under rule 21—67.8(162) regarding dog day care.

ITEM 7. Amend paragraph **67.7(2)“a”** as follows:

a. Dogs, cats and other vertebrates upon which euthanasia may be permitted by law shall be destroyed only by euthanasia in a manner deemed acceptable by and published in the American Veterinary Medical Association Guidelines for Euthanasia of Animals: ~~2013~~ 2020 Edition.

ITEM 8. Amend subrule 67.8(2) as follows:

67.8(2) Subclassification of license. Dog day cares can operate as a subclassification of a commercial kennel license or boarding kennel license, including group housing, by complying with the rules herein. ~~A commercial kennel or a boarding kennel that operates as a dog day care shall not provide overnight boarding or other kennel activities unless, during the time that the day care operation is closed, the kennel is operated in a manner consistent with applicable rules including, but not limited to, paragraphs 67.3(1) “j” and 67.7(1) “e,” which restrict the commingling of dogs.~~

ITEM 9. Amend paragraphs **67.8(4)“a”** to **“c”** as follows:

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. Dog day cares may operate overnight.

b. The play area for dogs shall provide for a minimum of ~~75~~ 50 square feet per dog. Play areas ~~smaller than 1,125 square feet~~ 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 a 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: as provided for in paragraph 67.3(2) “g.”

ITEM 10. Amend paragraph **67.8(6)“f”** as follows:

f. A dog day care shall not establish a playgroup composed of more than ~~15~~ 30 dogs.

ITEM 11. Amend paragraph **67.8(6)“g”** as follows:

g. A dog day care shall employ sufficient staffing so that there is a minimum of one person assigned to each playgroup with 15 or fewer dogs and two people assigned to each playgroup with 16 to 30 dogs. The ~~person~~ person(s) supervising a playgroup must provide direct and immediate visual supervision at all times.

ITEM 12. Amend paragraph **67.9(2)“b”** as follows:

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

ITEM 13. Amend rule 21—67.16(162) as follows:

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: ~~2013~~ 2020 Edition. A copy of this report is on file with the department.