

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Adopted and Filed**

**Rule making related to animal welfare**

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

*Legal Authority for Rule Making*

This rule making is adopted 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 rule making is to accomplish the following:

- Allow for larger dog playgroups, of up to 30 dogs, while maintaining the same ratio of 15 dogs to one person.
- 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.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 2, 2020, as **ARC 5298C**. A public hearing was held on December 29, 2020, at 11 a.m. in the Second Floor Conference Room, Wallace State Office Building, Des Moines, Iowa. Three comments, two of which were submitted at the meeting and one of which was submitted in writing, focused on providing additional clarity to the rule.

Following the public hearing and after review of public comments, minor adjustments were made to provide additional clarity to the amendments that were being proposed. The substance of the amendments did not change.

*Adoption of Rule Making*

This rule making was adopted by the Department on May 27, 2021.

*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.

*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).

*Effective Date*

This rule making will become effective on July 21, 2021.

The following rule-making actions are adopted:

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.

(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. 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.

(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).

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 or by operating as a dog day care as required in rule 21—67.8(162).

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 by complying with rule 21—67.8(162). ~~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” and “b” 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.

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.

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

f. A dog day care shall not establish a playgroup composed of more than ~~45~~ 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.

[Filed 5/28/21, effective 7/21/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/16/21.