

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 162.16, the Iowa Department of Agriculture and Land Stewardship amends Chapter 67, “Animal Welfare,” Iowa Administrative Code.

These amendments clarify that licenses for animal care are not available to applicants who have recent animal cruelty or neglect convictions. This prohibition already clearly applies to licensees.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable and would result in needless delays.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective May 20, 2010, as they confer a benefit upon the public.

These amendments are intended to implement Iowa Code section 162.13.

These amendments became effective May 20, 2010.

The following amendments are adopted.

ITEM 1. Amend rule 21—67.10(162), catchwords, as follows:

21—67.10(162) Loss of license or denial of license.

ITEM 2. Amend subrule 67.10(1) as follows:

67.10(1) If a licensee has its license revoked or relinquishes its license while a revocation action is pending, the licensee shall not be eligible to reapply for a new license for at least three years from the date of the revocation or relinquishment. If ~~the~~ a licensee has been found in court to have committed an act of animal cruelty or neglect, the licensee shall not be eligible for a new license for at least five years from the date of the revocation or relinquishment. If an applicant has been found in court to have committed an act of animal cruelty or neglect, the applicant shall not be eligible for a license for at least five years 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 if the person was responsible for or participated in the violation upon which the revocation or conviction was based. The department may waive the three-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 a waiver shall only be given if the department finds that the conditions which resulted in the revocation or revocation action have been addressed and there is little likelihood that they will be replicated.

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