

**163.3D Emergency measures — abandoned animals — authorization and seizure.**

1. *a.* The department may seize one or more abandoned animals pursuant to an authorization providing emergency measures to prevent or control the transmission of an infectious or contagious disease among any population or species of animals.

*b.* The authorization must be any of the following:

(1) A declaration or proclamation issued by the governor pursuant to [chapter 29C](#), including as provided in [section 163.3A](#).

(2) An order issued by the secretary or the secretary's designee pursuant to a provision in [this subtitle](#).

(3) Any other provision of law in [this subtitle](#) that requires the department to control the transmission of an infectious or contagious disease among a population or species of animals in this state.

*c.* If there is a conflict between a measure authorized to be taken under paragraph "a", that is less restrictive than the standards or procedures provided in [this section](#), the measures authorized to be taken under paragraph "a" shall prevail.

2. The department may appoint veterinary assistants or special assistants as provided in [section 163.3G](#) as required to administer [this section](#).

3. It is presumed that an abandoned animal belonging to a species subject to emergency measures as provided in [subsection 1](#) has been exposed to an infectious or contagious disease as provided in the authorization.

4. As part of the seizure of an abandoned animal, the department may take, impound, and retain custody of the animal, including by maintaining the animal in a manner and at a location determined by the department to be reasonable under the emergency circumstances. The department may take action as provided in [this subtitle](#) to ensure that all animals exposed to an infectious or contagious disease are properly identified, tested, segregated, treated, or destroyed as provided in [this subtitle](#).

5. *a.* The department may seize an animal if the department has a reasonable suspicion the animal has been abandoned, including by entering onto public or private property or into a private motor vehicle, trailer, or semitrailer parked on public or private property, as provided in [this subsection](#).

*b.* The department may enter onto private property or into a private motor vehicle, trailer, or semitrailer to seize an abandoned animal if the department obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including [Article I, section 8, of the Constitution of the State of Iowa](#), or the fourth amendment to the Constitution of the United States.

*c.* An abandoned animal shall only be seized by the department pursuant to the following conditions:

(1) The department provides written notice of its abandonment determination to all reasonably identifiable interested persons. The department shall make a good-faith effort to provide the notice to interested persons by regular mail, hand delivery, telephone, electronic mail, or other reasonable means. The notice shall include all of the following:

(a) The name and address of the department.

(b) A description of the animal subject to seizure.

(c) The delivery date of the notice.

(d) A statement informing the interested person that the animal may be seized pursuant to [this chapter](#) within one day following the delivery date of the notice. The statement must specify a date, time, and location for delivery of the interested person's response designated by the department, as provided in [this subsection](#).

(e) A statement informing the interested person that in order to avoid seizure of the animal, the person must respond to the notice in writing, stating that the animal has not been abandoned and identifying what measures are being taken to care for and manage the animal.

(2) Notwithstanding subparagraph (1), if the department determines that it is not feasible to provide direct notice of its abandonment determination to an interested person, the department shall deliver a constructive notice of the determination to that person by any reasonable manner, which may include posting the notice at or near the place where the

animal is located. The department shall also post the constructive notice on the department's internet site.

d. The department may seize the animal if the department fails to receive a written response by the interested person by the end of normal office hours of the next day the department is available to receive the response after written notice of the department's abandonment determination is delivered.

e. Upon a determination by the department that exigent circumstances exist, the department may enter onto private property without a warrant and may seize an abandoned animal, in a manner consistent with the laws of this state and the United States, including [Article I, section 8, of the Constitution of the State of Iowa](#), or the fourth amendment to the Constitution of the United States.

6. If an animal is seized pursuant to [this section](#), the department shall post a notice in a conspicuous place at the location where the animal was seized. The notice shall state the animal has been seized by the department pursuant to [this section](#) and at least briefly describe where and when the animal was seized, the species and number of animals seized, and that a dispositional proceeding is to be conducted pursuant to [section 163.3E](#).

[2020 Acts, ch 1036, §7, 16](#)

Referred to in [§163.3E](#), [163.3F](#), [459.501](#)