

House File 2641

H-8306

1 Amend House File 2641 as follows:

2 1. Page 6, after line 17 by inserting:

3 <Sec. _____. Section 162.10B, Code 2024, is amended to read
4 as follows:

5 **162.10B Commercial establishments — inspecting state**
6 **licensees and registrants or state licensees.**

7 1. The department ~~may~~ shall inspect the commercial
8 establishment of a registrant or state licensee ~~by entering on~~
9 a priority and scheduled basis.

10 2. a. The department shall inspect a commercial
11 establishment on a priority basis according to criteria
12 determined relevant by the department.

13 b. The department shall enter onto ~~its~~ the business premises
14 at any time during normal working hours of the registrant or
15 state licensee. The department shall determine whether the
16 registrant or state licensee is complying with section 162.10A.

17 c. The department may inspect records required to be
18 maintained by the state licensee or registrant as provided in
19 this chapter.

20 d. The department must inspect the commercial establishment
21 during normal business hours.

22 e. The department shall inspect the commercial establishment
23 regardless of when the department inspected the commercial
24 establishment on a scheduled basis.

25 3. The department shall inspect a commercial establishment
26 on a scheduled basis subject to all of the following:

27 a. The department is limited to entering onto the business
28 premises of a state licensee operating as a commercial breeder.

29 b. The department must enter on the business premises of the
30 state licensee once each twelve-month period.

31 c. The department must inspect the commercial establishment
32 during normal business hours.

33 d. The department shall determine whether the state licensee
34 is complying with section 162.10A.

35 e. The department may inspect records required to be

1 maintained by the state licensee.

2 4. If the owner or person in charge of the commercial
3 establishment refuses admittance to allow an inspection under
4 this section, the department may obtain an administrative
5 search warrant issued under section 808.14. The person shall
6 comply with the search warrant.

7 Sec. _____. Section 162.10C, Code 2024, is amended to read as
8 follows:

9 **162.10C Commercial establishments — monitoring permittees.**

10 1. The department ~~may~~ shall monitor the commercial
11 establishment of a permittee ~~by entering onto its business~~
12 ~~premises at any time during normal working hours~~ for the
13 limited purpose of determining whether the permittee is
14 providing for a standard of care required for permittees under
15 section 162.10A. ~~The department shall monitor the commercial~~
16 ~~establishment for the limited purpose of determining whether~~
17 ~~the permittee is providing for a standard of care required for~~
18 ~~permittees under section 162.10A~~. If the owner or person in
19 charge of the commercial establishment refuses admittance, the
20 department may obtain an administrative search warrant issued
21 under section 808.14.

22 2. ~~In order to enter onto the business premises of a~~
23 ~~permittee's commercial establishment,~~ The department shall
24 inspect the commercial establishment of a permittee on a
25 priority and scheduled basis.

26 3. a. The department shall monitor a commercial
27 establishment on a priority basis, ~~if the department must have~~
28 ~~has~~ reasonable cause to suspect that the permittee is not
29 providing for the standard of care required for permittees
30 under section 162.10A.

31 (1) Reasonable cause must be supported by any of the
32 following:

33 ~~a.~~ (a) An oral or written complaint received by the
34 department by a person. The complainant must provide
35 the complainant's name and address and telephone number.

1 Notwithstanding [chapter 22](#), the department's record of a
2 complaint is confidential, unless any of the following apply:
3 ~~(1)~~ (i) The results of the monitoring are used in a
4 contested case proceeding as provided in [chapter 17A](#) or in a
5 judicial proceeding.
6 ~~(2)~~ (ii) The record is sought in discovery in any
7 administrative, civil, or criminal case.
8 ~~(3)~~ (iii) The department's record of a complaint is filed
9 by a person other than an individual.
10 ~~b.~~ (b) A report prepared by a person employed by the United
11 States department of agriculture that requires a permittee to
12 take action necessary to correct a breach of standard of care
13 required of federal licensees by the Animal Welfare Act or of
14 permittees by [section 162.10A](#). The department is not required
15 to dedicate any number of hours to viewing or analyzing such
16 reports.
17 ~~3.~~ (2) When carrying out this ~~section~~ paragraph, the
18 department may cooperate with the United States department
19 of agriculture. The department shall report any findings
20 resulting in an enforcement action under [section 162.10D](#) to the
21 United States department of agriculture.
22 b. If the department has reasonable cause, it shall enter
23 onto the business premises of the permittee. The department
24 shall inspect a commercial establishment subject to all of the
25 following:
26 (1) The department shall determine whether the permittee is
27 complying with section 162.10A.
28 (2) The department must inspect the commercial
29 establishment during normal business hours.
30 (3) The department shall inspect the commercial
31 establishment regardless of when the department inspected the
32 commercial establishment on a scheduled basis.
33 4. The department shall inspect a commercial establishment
34 on a scheduled basis subject to all of the following:
35 a. The department is limited to entering onto the business

1 premises of a permittee operating as a commercial breeder.

2 b. The department must enter onto the business premises of
3 the permittee once each twelve-month period.

4 c. The department must inspect the commercial establishment
5 during normal business hours.

6 d. The department shall determine whether the permittee is
7 complying with section 162.10A.

8 5. If the owner or person in charge of the commercial
9 establishment refuses to allow the inspection under this
10 section, the department may obtain an administrative search
11 warrant issued under section 808.14. The person shall comply
12 with the search warrant.>

13 2. Title page, line 3, after <appropriations,> by inserting
14 <making penalties applicable,>

15 3. By renumbering as necessary.

JACOBY of Johnson