

February 8, 1961.
Passed on File.

Senate File 210
By COMMITTEE ON PUBLIC HEALTH.

Passed Senate, Date 3-9-61 Passed House, Date 4-5-61

Vote: Ayes 47 Nays 2 Vote: Ayes 88 Nays 20

Approved 61-11-61

Senate
concurrent 4-7-61

House Concurrent 4/10/61
74-24

40 3 **A BILL FOR**

An Act to make available for scientific research unclaimed and unwanted dogs and to amend various sections of the Code relating to dogs.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. For the purposes of this Act, the following
2 definitions shall apply:

3 1. "Institution" shall mean any school or college of
4 medicine, veterinary medicine, pharmacy, dentistry, and
5 osteopathy, or hospital, diagnostic or research laboratories,
6 or other educational or scientific establishment properly
7 concerned with the investigation of, or instruction concerning
8 the structure or function of living organisms, the cause,
9 prevention, control or cure of diseases or abnormal conditions
10 of human beings or animals.

11 2. "Pound" shall mean any public or private agency,
12 person, society, or corporation having custody of dogs seized
13 or held under the authority of the state or any municipality
14 or any political subdivision of the state.


1 Sec. 2. An institution may apply to the state
2 department of health for authority to obtain animals from
3 a pound. If the state department of health shall find that
4 such institution, by reason of its ethical standards, its
5 personnel, its facilities and the use it proposes to make
6 of dogs is a fit and proper institution to be authorized

7 to obtain dogs from a pound, and that the public interest
8 would be served by such authority, then the state department
9 of health shall authorize such institution to obtain dogs
10 from a pound.

1 Sec. 3. An institution so authorized by the state
2 department of health may request dogs from a pound. The
3 pound shall tender to such institution all dogs in its
4 custody seized or held by authority of the state, municipi-
5 pality or other political subdivision, except that no dog
6 shall be so tendered unless it has been held for redemption
7 by its owner or sale for a period of not less than two nor
8 more than fifteen days. No dogs shall be destroyed by a
9 pound while a request to that pound of an authorized institu-
10 tion is unfulfilled unless first tendered to such institution
11 and refused by it.

1 Sec. 4. An institution obtaining dogs from a pound
2 shall pay to the municipality or other political subdivision
3 under whose authority each dog is held or was seized a
4 reasonable fee not to exceed five dollars for each dog so
5 obtained, and shall provide for the transportation of the
6 dogs so obtained from the pound.

1 Sec. 5. It shall be a misdemeanor for any person or
2 corporation to violate any provision of this Act. Any
3 pound failing or refusing to comply with the provisions of
4 this Act shall become immediately ineligible for any public
5 monies notwithstanding the provisions of any contract, and
6 it shall be unlawful for any public body to pay any public
7 monies to a pound after receipt by it of a notice of such
8 noncompliance or refusal from any institution authorized



9 by the state department of health to obtain dogs until such
10 time as such institution shall have withdrawn its notice
11 or the state department of health shall have notified such
12 public body that such notice was without foundation.

1 Sec. 6. This Act shall be so construed and inter-
2 preted as to effectuate its purpose of making available
3 for scientific, educational and research purposes unclaimed,
4 unwanted and unlicensed dogs.

1 Sec. 7. Section three hundred sixty-eight point eight
2 (368.8), subsection four (4), Code 1958, is hereby amended
3 by inserting in line three (3) after the word "thereof" the
4 words "as provided by law".

5 Further amend said subsection by striking from line
6 thirty (30) the word "may" and inserting in lieu thereof
7 the word "shall".

1 Sec. 8. Section three hundred fifty-one point
2 twenty-six (351.26), Code 1958, is hereby amended by
3 inserting in line three (3) after the word "jurisdictions"
4 the words "unless such jurisdiction shall have otherwise
5 provided for the seizure and impoundment of dogs".

1 Sec. 9. Section three hundred thirty-two point
2 three, (332.3), Code 1958, is hereby amended by adding
3 thereto the following subsection: "To provide, by con-
4 tract or otherwise, for the seizure, impoundment and
5 disposition in accordance with law of dogs for which
6 licenses are required, when such dogs are not wearing a
7 collar with license tag attached as provided in chapter
8 three hundred fifty-one (351) of the Code."

EXPLANATION OF SENATE FILE 210

Under present law all peace officers must kill unlicensed dogs, although cities and towns are given the power to provide for their impoundment. This bill would relieve peace officers from this duty if counties decide to impound dogs and would make all dogs impounded and not redeemed by their owners available for scientific research.

SENATE FILE 210

Lost
3/9

- 1 Amend Senate File 210, section 4, line 4 by striking the
- 2 words "five dollars" and inserting in lieu thereof "not to
- 3 exceed the actual expense incurred".

Filed
March 6, 1961.

By VAN EATON.

SENATE FILE 210

- 1 Amend the amendment filed by Senator Van Eaton to Senate File
- 2 210 and found on page 292 of the Senate Journal by adding in line
- 3 4 after the word "societies" the following: "receiving no support
- 4 in any form from tax funds".

adopted
3-9-61

Filed
March 6, 1961.

By LUCKEN.

SENATE FILE 210

- 1 Amend Senate File 210 as follows:
- 2 1. Amend section 1, line 12, by striking "society,"
- 3 and taking out the period after the word "state" in line
- 4 14, and adding "; except humane societies."
- 5 2. Amend section 3, line 7, by striking the word "two"
- 6 and inserting in lieu thereof the word "ten".
- 7 3. Further amend section 3, line 8, by striking the
- 8 word "fifteen" and inserting in lieu thereof the word
- 9 "thirty".

Lost
3/9

Filed
February 14, 1961.

By VAN EATON.

SENATE FILE 210

- 1 Amend Senate File 210 as follows:
- 2 Amend section 3, line 11, by striking the
- 3 period and inserting in lieu thereof the words
- 4 ", except animals sick or injured."

Filed
February 15, 1961.

By VAN EATON.

Withdrawn
3/9

SENATE FILE 210

- 1 Amend Senate File 210 as follows:
- 2 1. Amend section 3, line 8, by inserting after the word "days" the
- 3 following: "and no dog lawfully licensed at the time of its seizure
- 4 shall be so tendered unless its owner shall so consent in writing".
- 5 2. Further amend section 3, line 8, by inserting after the word
- 6 "dogs" the following: ", except those actually sick or injured or
- 7 those lawfully licensed at the time of seizure."

Filed
February 23, 1961.

By MOORE

adopted 3/9

SENATE FILE 210

- 1 Amend the Van Eaton amendment to Senate File 210, filed
- 2 February 15, and found on page 309 of the Senate Journal, by
- 3 striking the period after the word "injured" in line 4, and adding
- 4 "and animals brought to the pound by their owners for disposition."

Filed
March 7, 1961.

By BUCK.

Withdrawn
3/9

SENATE FILE 210

1 Amend section 4 of Senate File 210 by striking the period in
2 line 6 and adding ", plus one dollar per day to cover the cost of care
3 while the animal is impounded."

Filed *withdrawn 3/9*
March 7, 1961.

By BUCK.

SENATE FILE 210

1 Amend Senate File 210 by inserting after section five (5) the
2 following new section:

3 "Animals used in any institution authorized by this Act shall
4 receive every consideration for their bodily comfort; they shall
5 be kindly treated, properly fed and their surroundings kept in a
6 sanitary condition. All major operative procedures may be done
7 under local infiltration anesthesia. If the nature of the study
8 is such that the animal may survive, acceptable techniques shall
9 be followed throughout the operation. If the study does not
10 require survival, the animal shall be killed in a humane manner
11 at the conclusion of the observations. The post-operative care
12 of experimental animals shall be such as to minimize discomfort
13 during convalescence. All conditions shall be maintained for the
14 animal's comfort in accordance with the best practices followed
15 in human medicine and surgery."

16 Further amend Senate File 210 by renumbering the remaining
17 sections.

Filed
March 21, 1961.

revised 4-5-61
amended

ELY of Linn.
WALTER of Hardin.
WARE of Wapello.
RILEY of Linn.
ANDERSEN of Woodbury.
DENMAN of Polk.

SENATE FILE 210

1 Amend Senate File 210 as follows:

2 1. Amend Senate File 210 by inserting after the
3 word "establishment" in line six (6) of section one (1)
4 the following, "situated in this state".

See Senate 4-5-61

5 2. Amend section three (3) thereof by striking
6 all of line one (1) thereof and all of line two (2)
7 thereof except the word "The" at the end thereof, and
8 insert in lieu thereof the following:

See Senate 4-5-61

9 "An institution so authorized by the state depart-
10 ment of health may request dogs from such pounds operated
11 by cities, towns, counties, public or private agencies,
12 persons or societies which have first certified to the
13 state department of health their willingness to honor such
14 requests which certification shall be operative until
15 rescinded."

16 3. Amend section four (4) thereof by striking from
17 line four (4) thereof the words "not to exceed five dollars".

See Senate 7-7-61

Filed
April 4, 1961.

CARSTENSEN of Clinton.

SENATE FILE 210

1 Amend the Ely, et al. amendment filed March 21, 1961, by
2 striking from line one (1) the words and figure "section five
3 (5)" and inserting in lieu thereof the words and figure "section
4 four (4)".

Filed and adopted
April 5, 1961.

MOWRY of Marshall.

SENATE FILE 210

1 Amend Senate File 210, section five (5), by inserting in line
2 two (2) preceding the second word "Any" the following:
3 Every person convicted hereunder shall be punished by
4 imprisonment for a period not more than thirty (30) days, or
5 by a fine not to exceed one hundred dollars (\$100.00).

Filed and adopted
April 5, 1961.

FREED of Webster.

SENATE FILE 210

- 1 Amend Senate File 210, section three (3), by striking from
- 2 line seven (7) the word "two" and inserting in lieu thereof the
- 3 word "eight".

Filed and adopted
April 5, 1961.

SUMMA of Calhoun.

SENATE FILE 210

- 1 Amend Senate File 210, section two (2), by inserting in line
- 2 one (1) after the word "apply" the word "annually".

Filed and adopted
April 5, 1961.

CARSTENSEN of Clinton.

SENATE FILE 210

- 1 Amend the House amendment to Senate File 210, line 7,
- 2 by striking the word "eight" and inserting in lieu thereof the
- 3 word "three".

Filed
April 6, 1961

Denise
Concurred 4/10

Adopted
4-7-61

By SHOEMAN.