

APR 2 1973

HOUSE FILE 550

Place On Calendar

By COMMITTEE ON AGRICULTURE

Red 1/4/74. Passed per 2031 1/21
House File 550
Stephens, Chairman *V - Ways & Means 124 (183),*
Husak *amend. per 1/30*
Danker

Passed House, Date 2-4-74 (3/10) Passed Senate, Date _____
Vote: Ayes 71 Nays 20 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to provide standards for the care of animals in
2 animal shelters, pounds, and pet shops, and to regulate
3 dealers, animal wardens, boarding kennels, and commercial
4 breeders, and provide penalties for violations.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. POLICY. The purpose of this
2 Act is:

3 1. To insure that all dogs and cats handled by boarding
4 kennels, private kennels, commercial kennels, hobby kennels,
5 commercial breeders, dealers, and public auctions are provided
6 with humane care and treatment by regulating the
7 transportation, sale, purchase, housing; care, handling and
8 treatment of such animals by persons or organizations engaged
9 in transporting, buying, or selling them and to provide that
10 all vertebrate animals consigned to pet shops are provided
11 humane care and treatment by regulating the transportation,
12 sale, purchase, housing, care, handling and treatment of such
13 animals by pet shops.

14 2. To authorize the sale, trade, or adoption of only those
15 animals which appear to be free of infectious or communicable
16 disease.

17 3. To protect the public from zoonotic disease.

18 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act,
19 except as otherwise expressly provided:

20 1. "Pound" or "dog pound" means a facility operated by
21 the state, a municipal corporation, or other political
22 subdivision of the state for the purpose of impounding or
23 harboring seized stray, homeless, abandoned or unwanted dogs,
24 cats or other animals; or a facility operated for such a
25 purpose under a contract with any municipal corporation or
26 incorporated society for the prevention of cruelty to animals.

27 2. "Person" means person as defined in chapter four (4)
28 of the Code.

29 3. "Animal shelter" means a facility which is used to
30 house or contain dogs or cats and which is owned, operated,
31 or maintained by an incorporated humane society, animal welfare
32 society, society for the prevention of cruelty to animals,
33 or other profit or nonprofit organization devoted to the
34 welfare, protection, and humane treatment of such animals.

35 4. "Pet shop" means an establishment where any dog, cat,

1 rabbit, rodent, nonhuman primate, bird, or other vertebrate
2 animal is bought, sold, exchanged or offered for sale to the
3 general public, but does not include a private kennel.

4 5. "Boarding kennel" means a place or establishment other
5 than a pound or animal shelter where dogs or cats not owned
6 by the proprietor are sheltered, fed, and watered in return
7 for a consideration.

8 6. "Private kennel" means a collection of not less than
9 two nor more than four dogs and not less than two nor more
10 than four cats kept at any one time under one ownership on
11 single premises. This does not apply to farm cats which are
12 kept as a protection against rodents.

13 7. "Commercial kennel" means a kennel which performs
14 grooming or training services for dogs or cats and may or
15 may not render boarding services in return for a consideration.

16 8. "Hobby kennel" means a noncommercial kennel at, in
17 or adjoining a private residence where dogs or cats are kept
18 for the hobby of the householder, in using them for hunting
19 or practice training or for exhibiting them in shows or field
20 or obedience trials, or for guarding or protecting the house-
21 holder's property. The keeper of a hobby kennel may keep
22 or maintain up to ten dogs or cats of either sex per year
23 and may raise or sell not more than fifteen offspring of three
24 dogs or cats during any calendar year without changing the
25 status of the kennel. If the keeper of a hobby kennel sells
26 more than fifteen offspring during any calendar year, he shall
27 be subject to licensing as a commercial breeder. This
28 subsection does not apply to a private kennel.

29 9. "Commercial breeder" means a person engaged in the
30 business of breeding dogs or cats for sale, whether or not
31 such animals are raised, trained, groomed, or boarded by such
32 breeder.

33 10. "Public auction" means any place or location where
34 dogs or cats are sold at auction to the highest bidder regard-
35 less of whether the dogs or cats are offered as individuals,

1 as a group, or by weight.

2 11. "Secretary" means the secretary of agriculture of
3 the state of Iowa.

4 12. "Dealer" means any person who is engaged in the
5 business of buying for resale or selling or exchanging dogs
6 or cats as a principal or agent, or who holds himself out
7 to be so engaged.

8 13. "Research facility" means any school or college of
9 medicine, veterinary medicine, pharmacy, dentistry, or osteo-
10 pathy, or hospital, diagnostic or research laboratories, or
11 other educational or scientific establishment situated in
12 this state concerned with the investigation of, or instruction
13 concerning the structure or function of living organisms,
14 the cause, prevention, control, or cure of diseases or abnormal
15 conditions of human beings or animals.

16 14. "Primary enclosure" means any structure used to im-
17 mediately restrict an animal to a limited amount of space,
18 such as a room, pen, cage, or compartment.

19 15. "Housing facility" means any room, building or area
20 used to contain a primary enclosure or enclosures.

21 16. "Sanitize" means to make physically clean and to
22 remove and destroy in a manner consistent with modern
23 techniques, agents injurious to health.

24 17. "Euthanasia" means the humane destruction of an animal
25 accomplished by a method that involves instantaneous uncon-
26 sciousness and immediate death or by a method that involves
27 anesthesia, produced by an agent which causes painless loss
28 of consciousness, and death during the loss of consciousness.

29 18. "Ambient temperature" means the temperature surrounding
30 an animal.

31 19. "Adequate feed" means the provision at suitable
32 intervals of not more than twenty-four hours or longer if
33 the dietary requirements of the species so require, of a
34 quantity of wholesome foodstuff suitable for the species and
35 age, sufficient to maintain a reasonable level of nutrition

1 in each animal. The foodstuff shall be served in a sanitized
2 receptacle, dish or container.

3 20. "Adequate water" means reasonable access to a supply
4 of clean, fresh, potable water provided in a sanitary manner
5 or provided at suitable intervals for the species and not
6 to exceed twenty-four hours at any interval.

7 21. "Animal warden" means any person employed, contracted,
8 or appointed by the state, municipal corporation, or any
9 political subdivision of the state, for the purpose of aiding
10 in the enforcement of the provisions of this Act or any other
11 law or ordinance relating to the licensing of animals, control
12 of animals or seizure and impoundment of animals and includes
13 any state or municipal peace officer, animal control officer,
14 sheriff, constable or other employee whose duties in whole
15 or in part include assignments which involve the seizure or
16 taking into custody of any animal.

17 Sec. 3. NEW SECTION. CERTIFICATE OF REGISTRATION FOR
18 POUND. No pound shall be operated for more than six months
19 after the effective date of this Act unless a certificate
20 of registration for the pound is granted by the secretary.
21 Application for the certificate shall be made in the manner
22 approved by the secretary. No fee shall be required for the
23 application or certificate. Certificates of registration
24 shall be valid for a period of one year from date of issuance
25 or until revoked and may be renewed upon application in the
26 manner provided by the secretary. A registered pound may
27 engage in the sale of dogs or cats under its control, if it
28 obtains a license for such activity, but no fee shall be
29 charged therefor.

30 Sec. 4. NEW SECTION. CERTIFICATE OF REGISTRATION FOR
31 ANIMAL SHELTER. No person shall operate an animal shelter
32 for more than six months after the effective date of this
33 Act unless a certificate of registration for the animal shelter
34 is granted by the secretary. Application for the certificate
35 shall be made in the manner provided by the secretary. No

1 fee shall be required for the application or certificate.
2 Certificates of registration shall be valid for a period of
3 one year from date of issuance or until revoked and may be
4 renewed upon application in the manner provided by the
5 secretary. A registered animal shelter may engage in the
6 sale of dogs or cats under its control, if it obtains a license
7 for such activity, but no fee shall be charged therefor.

8 Sec. 5. NEW SECTION. PET SHOP LICENSE. No person shall
9 operate a pet shop for more than six months after the effective
10 date of this Act, unless he has obtained a license to operate
11 a pet shop issued by the secretary. Application for the
12 license shall be made in the manner provided by the secretary.
13 The license period shall commence January first of each year
14 and terminate December thirty-first of that year. The license
15 fee shall be forty dollars for each license period or part
16 thereof. The license may be renewed upon application and
17 payment of the prescribed fee in the manner provided by the
18 secretary provided the licensee has conformed to all statutory
19 and regulatory requirements.

20 Sec. 6. NEW SECTION. COMMERCIAL KENNEL OR PUBLIC AUCTION
21 LICENSE. No person shall operate a commercial kennel or
22 public auction for more than six months after the effective
23 date of this Act unless he has obtained a license to operate
24 a commercial kennel or a public auction issued by the secretary
25 or unless he has obtained a certificate of registration issued
26 by the secretary if his kennel is federally licensed.
27 Application for the license or the certificate shall be made
28 in the manner provided by the secretary. The license and
29 the certificate period shall commence January first of each
30 year and terminate December thirty-first of that year. The
31 license fee shall be twenty-five dollars for each license
32 period or part thereof and the certification fee shall be
33 ten dollars for each certification period or part thereof.
34 The license or the certificate may be renewed upon application
35 and payment of the prescribed fee in the manner provided by

1 the secretary provided the licensee has conformed to all
2 statutory and regulatory requirements.

3 Sec. 7. NEW SECTION. DEALER LICENSE. No person shall
4 operate as a dealer after January 1, 1974, unless he has
5 obtained a license issued by the secretary or unless he has
6 obtained a certificate of registration issued by the secretary
7 if his kennel is federally licensed. Application for the
8 license or the certificate shall be made in the manner pro-
9 vided by the secretary. The license fee shall be fifty dollars
10 for each license period or part thereof and the certification
11 fee shall be ten dollars for each certification period or
12 part thereof. The license or the certificate may be renewed
13 upon application and payment of the prescribed fee in the
14 manner provided by the secretary, provided the licensee has
15 conformed to all statutory and regulatory requirements.

16 Sec. 8. NEW SECTION. COMMERCIAL BREEDER'S LICENSE. No
17 person shall operate as a commercial breeder after January
18 1, 1974, unless he has obtained a license issued by the
19 secretary or unless he has obtained a certificate of
20 registration issued by the secretary if his kennel is federally
21 licensed. Application for the license or the certificate
22 shall be made in the manner provided by the secretary. The
23 license or the certification period shall commence January
24 first of each year and terminate December thirty-first of
25 that year. The license fee shall be twenty-five dollars for
26 each license period or part thereof and the certificate fee
27 shall be ten dollars for each certification period or part
28 thereof. The license or the certificate may be renewed upon
29 application and payment of the prescribed fee in the manner
30 provided by the secretary provided the licensee has conformed
31 to all statutory and regulatory requirements.

32 Sec. 9. NEW SECTION. BOARDING KENNEL OPERATOR'S LICENSE.
33 No person shall operate a boarding kennel for more than six
34 months after the effective date of this Act unless he has
35 obtained a license to operate a boarding kennel issued by

1 and that animal diseases are properly controlled or eradicated.

2 The licensing and certificates are issued by the depart-
3 ment of agriculture which is responsible for the administra-
4 tion and enforcement of the provisions of this bill. There
5 are no fees for publicly-owned pounds and animal shelters
6 operated by humane societies or similar organizations. Fees
7 for commercial breeders, pet shops, commercial kennels,
8 boarding kennels and dealers vary from fifteen to fifty dollars
9 with the exception to federally-licensed operations which
10 may be registered for ten dollars.

11 Violations are punishable as misdemeanors.

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FISCAL NOTE
HOUSE FILE 550

Date prepared April 19, 1973

Requested by Representative Stephens.

Prepared in regard to H.F. 550 - An Act to provide standards for the care of animals in animal shelters, pounds, and pet shops, and to regulate dealers, animal wardens, boarding kennels, and commercial breeders, and provide penalties for violations. Following is the fiscal effect in dollars of the legislative proposal as required by House Rule 48.

Estimated Revenue:

750 Pet Shops	@ \$40	\$30,000
500 Kennels (Licensed by USDA, registered in Iowa)	@ \$10	5,000
500 Kennels (Licensed in Iowa only)	@ \$25	12,500
100 Dealers (Federally licensed but registered in Iowa)	@ \$10	1,000
350 Commercial Breeders (Licensed by USDA, registered in Iowa)	@ \$10	3,500
800 Boarding Kennels	@ \$15	12,000
	Estimated Revenue	<u>\$64,000</u>

Estimated Cost:

Salaries - 2 veterinarians, 2 lay inspectors	\$42,000	
4 Cars @ \$3,000	12,000	
Travel Expenses	4,000	
Miscellaneous (Clerical help, supplies, etc.)	5,000	
	Estimated Cost	<u>\$63,000</u>

This will be the estimated cost for the first year. After the initial expense for the purchase of cars, there is a \$60 per month depreciation charge each year, so the second year the car expense would be \$2,880 as opposed to the \$12,000 for the first year. If everything remains constant, the cost of the program the second year would be \$53,880.

Filed
April 30, 1973

GERRY D. RANKIN
Legislative Fiscal Director

H—289

1 Amend House File 550 as follows:
2 1. Page 3, line 10 by inserting after the word "cats"
3 the words ", or both,".
4 2. Page 3, line 17, by inserting after the word "cats"
5 the words ", or both,".
6 3. Page 3, line 22, by striking the word "cats" and
7 inserting in lieu thereof the words "ten cats, or both,".
8 4. Page 3, line 24, by striking the words "cats" and
9 inserting in lieu thereof the words "three cats, or both,".
10 5. Page 3, line 26, by inserting after the word
"offspring"
11 the words "of either dogs or cats, or both,".

H—289 Filed *W.D. 2/4*
April 11, 1973

By STEPHENS of Plymouth
JORDAN of Linn
HENNESSEY of Delaware

H—320

1 Amend House File 550, page 5, line 29, by
2 striking the period and inserting in lieu thereof
3 the words "unless such pound is privately-owned.
4 The fee for a privately-owned pound shall be twenty-
5 five dollars annually".

H—320 Filed *W.D. 2/4*
April 17, 1973

By EWING of Mahaska

H—382

1 Amend House File 550, page 7, by striking lines 25
2 and 26, and inserting in lieu thereof the following:
3 "that year. The license fee for each license period
4 or part of such period shall be fifteen dollars for a
5 commercial breeder who sold less than twenty-five dogs
6 or cats during the preceding calendar year, twenty-
7 five dollars for a commercial breeder who sold twenty-
8 five or more but not more than one hundred dogs or
9 cats during the preceding calendar year, and fifty
10 dollars for a commercial breeder who sold more than one
11 hundred dogs or cats during the preceding calendar
12 year. The certificate fee".

H—382 Filed *W.D. 2/4*
April 26, 1973

By BRANSTAD of Winnebago

HOUSE FILE 550

H--2031

- 1 Amend House File 550 as follows: By striking
2 everything after the enacting clause and inserting
3 in lieu thereof the following:
4 Section 1. NEW SECTION. POLICY. The purpose
5 of this Act is:
6 1. To insure that all dogs and cats handled by
7 boarding kennels, commercial kennels, hobby kennels,
8 commercial breeders, dealers, and public auctions
9 are provided with humane care and treatment by
10 regulating the transportation, sale, purchase, housing,
11 care, handling and treatment of such animals by persons
12 or organizations engaged in transporting, buying,
13 or selling them and to provide that all vertebrate
14 animals consigned to pet shops are provided humane
15 care and treatment by regulating the transportation,
16 sale, purchase, housing, care, handling and treatment
17 of such animals by pet shops.
18 2. To authorize the sale, trade, or adoption of
19 only those animals which appear to be free of
20 infectious or communicable disease.
21 3. To protect the public from zoonotic disease.
22 Sec. 2. NEW SECTION. DEFINITIONS. As used in
23 this Act, except as otherwise expressly provided:
24 1. "Pound" or "dog pound" means a facility for
25 the prevention of cruelty to animals operated by the
26 state, a municipal corporation, or other political
27 subdivision of the state for the purpose of impounding
28 or harboring seized stray, homeless, abandoned or
29 unwanted dogs, cats or other animals; or a facility
30 operated for such a purpose under a contract with
31 any municipal corporation or incorporated society.
32 2. "Person" means person as defined in chapter
33 four (4) of the Code.
34 3. "Animal shelter" means a facility which is
35 used to house or contain dogs or cats, or both, and
36 which is owned, operated, or maintained by an
37 incorporated humane society, animal welfare society,
38 society for the prevention of cruelty to animals,
39 or other profit or nonprofit organization devoted
40 to the welfare, protection, and humane treatment of
41 such animals.
42 4. "Pet shop" means an establishment where any
43 dog, cat, rabbit, rodent, nonhuman primate, bird,
44 or other vertebrate animal is bought, sold, exchanged
45 or offered for sale to the general public.
46 5. "Boarding kennel" means a place or establishment
47 other than a pound or animal shelter where dogs or
48 cats not owned by the proprietor are sheltered, fed,
49 and watered in return for a consideration.
50 6. "Commercial kennel" means a kennel which

51 performs grooming or training services for dogs or
52 cats, or both, and may or may not render boarding
53 services in return for a consideration.
54 7. "Hobby kennel" means a noncommercial kennel
55 at, in, or adjoining a private residence where dogs
56 or cats, or both, are kept for the hobby of the
57 householder, in using them for hunting or practice
58 training or for exhibiting them in shows or field
59 or obedience trials, or for guarding or protecting
60 the householder's property and from which offspring
61 with a total value in excess of one hundred dollars
62 are sold, traded, or exchanged during a calendar year.
63 The keeper of a hobby kennel may keep or maintain
64 up to ten dogs or cats, or both, of either sex per
65 year and may raise or sell not more than fifteen
66 offspring of either dogs or cats, or both, during
67 any calendar year without changing the status of the
68 kennel. If the keeper of a hobby kennel sells more
69 than fifteen offspring, or sells, trades, or transfers
70 for consideration offspring with a total value in
71 excess of five hundred dollars, during any calendar
72 year, he shall be subject to licensing as a commercial
73 breeder.

74 8. "Commercial breeder" means a person engaged
75 in the business of breeding dogs or cats, or both,
76 for sale, whether or not such animals are raised,
77 trained, groomed, or boarded by such breeder.

78 9. "Public auction" means any place or location
79 where dogs or cats, or both, are sold at auction to
80 the highest bidder regardless of whether the dogs
81 or cats are offered as individuals, as a group, or
82 by weight.

83 10. "Secretary" means the secretary of agriculture
84 of the state of Iowa.

85 11. "Dealer" means any person who is engaged in
86 the business of buying for resale or selling or
87 exchanging dogs or cats, or both, as a principal or
88 agent, or who holds himself out to be so engaged.

89 12. "Research facility" means any school or college
90 of medicine, veterinary medicine, pharmacy, dentistry,
91 or osteopathy, or hospital, diagnostic or research
92 laboratories, or other educational or scientific
93 establishment situated in this state concerned with
94 the investigation of, or instruction concerning the
95 structure or function of living organisms, the cause,
96 prevention, control, or cure of diseases or abnormal
97 conditions of human beings or animals.

98 13. "Primary enclosure" means any structure used
99 to immediately restrict an animal to a limited amount
100 of space, such as a room, pen, cage, or compartment.

101 14. "Housing facility" means any room, building
102 or area used to contain a primary enclosure or
103 enclosures.

104 15. "Euthanasia" means the humane destruction
105 of an animal accomplished by a method that involves
106 instantaneous unconsciousness and immediate death
107 or by a method that involves anesthesia, produced
108 by an agent which causes painless loss of
109 consciousness, and death during the loss of
110 consciousness.

111 16. "Adequate feed" means the provision at suitable
112 intervals of not more than twenty-four hours or longer
113 if the dietary requirements of the species so require,
114 of a quantity of wholesome foodstuff suitable for
115 the species and age, sufficient to maintain a
116 reasonable level of nutrition in each animal. The
117 foodstuff shall be served in a clean receptacle, dish
118 or container.

119 17. "Adequate water" means reasonable access to
120 a supply of clean, fresh, potable water provided in
121 a sanitary manner or provided at suitable intervals
122 for the species and not to exceed twenty-four hours
123 at any interval.

124 18. "Animal warden" means any person employed,
125 contracted, or appointed by the state, municipal
126 corporation, or any political subdivision of the
127 state, for the purpose of aiding in the enforcement
128 of the provisions of this Act or any other law or
129 ordinance relating to the licensing of animals, control
130 of animals or seizure and impoundment of animals and
131 includes any peace officer, animal control officer,
132 or other employee whose duties in whole or in part
133 include assignments which involve the seizure or
134 taking into custody of any animal.

135 Sec. 3. NEW SECTION. CERTIFICATE OF REGISTRATION
136 FOR POUND. No pound shall be operated for more than
137 six months after the effective date of this Act unless
138 a certificate of registration for the pound is granted
139 by the secretary. Application for the certificate
140 shall be made in the manner approved by the secretary.
141 No fee shall be required for the application or
142 certificate. Certificates of registration shall
143 expire annually on March first unless revoked and
144 may be renewed upon application in the manner provided
145 by the secretary. A registered pound may engage in
146 the sale of dogs or cats, or both, under its control,
147 if it obtains a license for such activity, but no
148 fee shall be charged therefor unless the registered
149 pound is privately-owned.

150 Sec. 4. NEW SECTION. CERTIFICATE OF REGISTRATION

151 FOR ANIMAL SHELTER. No person shall operate an animal
152 shelter for more than six months after the effective
153 date of this Act unless a certificate of registration
154 for the animal shelter is granted by the secretary.
155 Application for the certificate shall be made in the
156 manner provided by the secretary. No fee shall be
157 required for the application or certificate.
158 Certificates of registration shall expire annually
159 on March first unless revoked and may be renewed in
160 the manner provided by the secretary. A registered
161 animal shelter may engage in the sale of dogs or cats,
162 or both, under its control, if it obtains a license
163 for such activity, but no fee shall be charged
164 therefor.

165 Sec. 5. NEW SECTION. PET SHOP LICENSE. No person
166 shall operate a pet shop for more than six months
167 after the effective date of this Act, unless he has
168 obtained a license to operate a pet shop issued by
169 the secretary. Application for the license shall
170 be made in the manner provided by the secretary.
171 The license shall expire annually on March first of
172 each year unless revoked and may be renewed in the
173 manner provided by the secretary. The license fee
174 shall be forty dollars per year or ten dollars for
175 each quarter or portion of a quarter of a year. The
176 license may be renewed if the licensee has conformed
177 to all statutory and regulatory requirements.

178 Sec. 6. NEW SECTION. COMMERCIAL KENNEL OR PUBLIC
179 AUCTION LICENSE. No person shall operate a commercial
180 kennel or public auction for more than six months
181 after the effective date of this Act unless he has
182 obtained a license to operate a commercial kennel
183 or a public auction issued by the secretary or unless
184 he has obtained a certificate of registration issued
185 by the secretary if his kennel is federally licensed.
186 Application for the license or the certificate shall
187 be made in the manner provided by the secretary.
188 The license and the certificate shall expire annually
189 on March first unless revoked. The license fee shall
190 be twenty-five dollars per year or seven dollars for
191 each quarter or portion of a quarter of a year and
192 the certification fee shall be ten dollars annually
193 or two dollars and fifty cents for each quarter or
194 portion of a quarter of a year. If the person has
195 obtained a federal license, he need only obtain a
196 certificate. The license or the certificate may be
197 renewed upon application and payment of the prescribed
198 fee in the manner provided by the secretary provided
199 the licensee has conformed to all statutory and
200 regulatory requirements.

201 Sec. 7. NEW SECTION. DEALER LICENSE. No person
202 shall operate as a dealer for more than six months
203 after the effective date of this Act unless he has
204 obtained a license issued by the secretary or unless
205 he has obtained a certificate of registration issued
206 by the secretary if his kennel is federally licensed.
207 Application for the license or the certificate shall
208 be made in the manner provided by the secretary.
209 The license and certificate shall expire annually
210 on March first unless revoked. The license fee shall
211 be fifty dollars per year or fifteen dollars for each
212 quarter or portion of a quarter of a year, and the
213 certification fee shall be ten dollars per year or
214 two dollars and fifty cents for each quarter or portion
215 of a quarter of a year. The license or the certificate
216 may be renewed upon application and payment of the
217 prescribed fee in the manner provided by the secretary
218 provided the licensee has conformed to all statutory
219 and regulatory requirements.

220 Sec. 8. NEW SECTION. COMMERCIAL BREEDER'S LICENSE.
221 No person shall operate as a commercial breeder for
222 more than six months after the effective date of this
223 Act unless he has obtained a license issued by the
224 secretary or unless he has obtained a certificate
225 of registration issued by the secretary if his kennel
226 is federally licensed. Application for the license
227 or the certificate shall be made in the manner provided
228 by the secretary. The annual license or the
229 certification period shall commence March first of
230 each year. The license fee shall be twenty-five dol-
231 lars per year or seven dollars for each quarter or
232 portion of a quarter of a year and the certificate
233 fee shall be ten dollars per year or two dollars and
234 fifty cents for each quarter or portion of a quarter
235 of a year. The license or the certificate may be
236 renewed upon application and payment of the prescribed
237 fee in the manner provided by the secretary provided
238 the licensee has conformed to all statutory and
239 regulatory requirements.

240 Sec. 9. NEW SECTION. BOARDING KENNEL OPERATOR'S
241 LICENSE. No person shall operate a boarding kennel
242 for more than six months after the effective date
243 of this Act unless he has obtained a license to operate
244 a boarding kennel issued by the secretary. Application
245 for the license shall be made in the manner provided
246 by the secretary. The annual license period shall
247 commence March first of each year. The license fee
248 shall be fifteen dollars per year or four dollars
249 for each quarter or portion of a quarter of a year.
250 The license may be renewed upon application and payment

251 of the prescribed fee in the manner provided by the
252 secretary provided the licensee has conformed to all
253 statutory and regulatory requirements.

254 Sec. 10. NEW SECTION. HOBBY KENNEL OWNER'S
255 LICENSE. No person shall operate a hobby kennel for
256 more than six months after the effective date of this
257 Act unless he obtains a license issued by the
258 secretary. Application for the license shall be in
259 the manner provided by the secretary. The annual
260 license period shall commence March first. No fee
261 shall be charged for the license. The license may
262 be renewed upon application in the manner prescribed
263 by the secretary, provided the licensee has conformed
264 to all statutory and regulatory requirements.

265 Sec. 11. NEW SECTION. EXCEPTIONS. Any person
266 who has obtained a certificate of registration as
267 a dealer or commercial breeder or who has obtained
268 a certificate of registration for a commercial kennel
269 or public auction pursuant to the provisions of this
270 Act and who possesses a corresponding federal license,
271 shall not be subject to further regulation by the
272 secretary under the provisions of this Act.

273 Sec. 12. NEW SECTION. DENIAL OR REVOCATION OF
274 LICENSE OR REGISTRATION. A certificate of registration
275 may be denied to any pound or animal shelter and a
276 license may be denied to any public auction, boarding
277 kennel, commercial kennel, hobby kennel, pet shop,
278 commercial breeder, or dealer or, if granted such
279 certificate or license may be revoked by the secretary
280 if, after public hearing, it is determined that the
281 housing facilities or primary enclosures are inadequate
282 under the provisions of this Act or if the feeding,
283 watering, cleaning and housing practices at the pound,
284 animal shelter, public auction, pet shop, boarding
285 kennel, commercial kennel, hobby kennel, or those
286 practices by the commercial breeder or dealer, are
287 not in compliance with the provisions of this Act
288 or with the rules and regulations which shall be
289 promulgated pursuant to the authority of this Act.
290 The premises of each licensee or certificate holder
291 shall be open for inspection during normal business
292 hours.

293 Sec. 13. NEW SECTION. PENALTIES. Operation of
294 a pet shop, boarding kennel, commercial kennel, hobby
295 kennel or public auction, or dealing in dogs or cats,
296 or both, either as a dealer or a commercial breeder,
297 without a currently valid license or a certificate
298 of registration shall constitute a misdemeanor and
299 each day of such operation shall constitute a sep-
300 arate offense.

301 Failure of any person licensed or registered to
302 adequately house, feed or water dogs or cats, or both,
303 in his possession or custody or failure of any operator
304 of a licensed pet shop to house, feed, or water any
305 vertebrate animal shall constitute a misdemeanor.
306 Such animals shall be subject to seizure and
307 impoundment and may be sold or destroyed by euthanasia
308 at the discretion of the secretary and such failure
309 shall also constitute grounds for revocation of license
310 after public hearing. The commission of an act
311 declared to be an unlawful practice under section
312 seven hundred thirteen point twenty-four (713.24)
313 of the Code, by any person licensed under this Act
314 shall constitute grounds for revocation of license.

315 Sec. 14. NEW SECTION. CUSTODY BY ANIMAL WARDEN.
316 An animal warden, upon taking custody of any animal
317 in the course of his official duties, shall immediately
318 make a record of the matter in the manner prescribed
319 by the secretary and the record shall include a
320 complete description of the animal, reason for seizure,
321 location of seizure, the owner's name and address
322 if known, and all license or other identification num-
323 bers, if any. Complete information relating to the
324 disposition of the animal shall be added in the manner
325 provided by the secretary immediately after
326 disposition.

327 Sec. 15. NEW SECTION. VIOLATION BY ANIMAL WARDEN.
328 Violation of any provision of this Act which relates
329 to the seizing, impoundment, and custody of an animal
330 by an animal warden shall constitute a misdemeanor
331 and each animal handled in violation shall constitute
332 a separate offense.

333 Sec. 16. NEW SECTION. RULES AND REGULATIONS.
334 The secretary shall promulgate rules consistent with
335 the objectives and intent of this Act, for the purpose
336 of carrying out such objectives and intent, within
337 ninety days after the effective date of this Act,
338 subject to chapter seventeen A (17A) of the Code.
339 However, rules adopted by the secretary shall not
340 exceed any federal standards or rules except as
341 specifically provided for in this Act.

342 Sec. 17. NEW SECTION. EXCEPTIONS. This Act shall
343 not apply to a place or establishment which operates
344 under the immediate supervision of a duly licensed
345 veterinarian as a hospital where animals are harbored,
346 hospitalized, and cared for incidental to the
347 treatment, prevention, or alleviation of disease
348 processes during the routine practice of the profession
349 of veterinary medicine, except that, if animals are
350 accepted by such place, establishment, or hospital

351 for the primary purpose of boarding for consideration,
352 the place, establishment, or hospital shall be subject
353 to the provisions hereof applicable to a boarding
354 kennel and the regulations relating thereto which
355 shall hereafter be promulgated by the secretary.

356 Sec. 18. NEW SECTION. PET ANIMAL CARE FUND.
357 There is created in the state treasury a pet animal
358 care fund. All fees collected by the secretary from
359 licenses and certificates issued under this Act shall
360 be paid to the treasurer of state and credited to
361 the pet animal care fund. All moneys deposited in
362 the pet animal care fund are appropriated to the
363 department of agriculture to be used for the
364 administration and enforcement of the provisions of
365 this Act.

366 2. Amend the title, page 1, line 3, by inserting
367 after the word "kennels," the words "commercial
368 kennels, hobby kennels, public auctions,".

H--2031 Filed - *Adopted as amended by* BY COMMITTEE ON AGRICULTURE
January 21, 1974 *HCS 2056, 2079, 2095 2/4* PELLETT of Cass, Chairman

EXPLANATION

This bill is patterned after model legislation proposed by the United States Animal Health Association. The bill provides for the licensing or registration of animal shelters, animal pounds, pet shops, dealers, boarding kennels, and commercial breeders to insure that animals are treated humanely and that animal diseases are properly controlled or eradicated.

The licensing and certificates are issued by the department of agriculture which is responsible for the administration and enforcement of the provisions of this bill. There are no fees for publicly-owned pounds and animal shelters operated by humane societies or similar organizations. Fees for commercial breeders, pet shops, commercial kennels, boarding kennels and dealers vary from fifteen to fifty dollars with the exception to federally-licensed operations which may be registered for ten dollars.

Violations are punishable as misdemeanors.

H-2053

- 1 Amend the Committee amendment to House File 550,
- 2 H 2031, by the Committee on Agriculture as follows:
- 3 1. Line 180, by inserting after the word "auct-
- 4 tion" the following: "as defined in Section 2 of
- 5 this Act,".
- 6 2. Line 295, by inserting after the word "auction"
- 7 the following: "as defined in Section 2 of this Act,".
- 8 3. Line 343, by striking the word "not".

H-2053 Filed - *Adopted 2/7* By SCHROEDER of Pottawattamie
January 24, 1974

H-2056

- 1 Amend the Committee amendment, H-2031, to House
- 2 File 550 by striking lines 356 to 365 inclusive, and
- 3 inserting in lieu thereof the following:
- 4 Sec. 18. NEW SECTION. FEES.
- 5 All fees collected by the secretary from licenses
- 6 and certificates issued under this Act shall be paid
- 7 to the treasurer of state.

H-2056 Filed - *Adopted 2/7* By SCHROEDER of Pottawattamie
January 24, 1974

H-2079

- 1 Amend the Committee on Agriculture amendment
- 2 H-2031, filed January 21, 1974, to House File 550
- 3 as follows:
- 4 1. Line 300, by inserting after the period the
- 5 following: "Upon conviction, a violator shall be
- 6 fined not more than one hundred dollars or imprisoned
- 7 in the county jail not more than thirty days."
- 8 2. Line 305, by inserting after the period the
- 9 following: "Upon conviction, a violator shall be
- 10 fined not more than one hundred dollars or imprisoned
- 11 in the county jail not more than thirty days."
- 12 3. Line 332, by inserting after the period the
- 13 following: "Upon conviction, a violator shall be
- 14 fined not more than one hundred dollars or imprisoned
- 15 in the county jail not more than thirty days."

H-2079 Filed - *Adopted 2/7* By COMMITTEE ON WAYS AND MEANS
January 30, 1974 STANLEY of Muscatine, Chairman

H-2084

- 1 Amend the Committee amendment, H-2031, to
- 2 House File 550 as follows:
- 3 1. Line 64, by striking the word "ten" and
- 4 inserting in lieu thereof "five".
- 5 2. Line 65, by striking the word "fifteen"
- 6 and inserting in lieu thereof "ten".
- 7 3. Line 69, by striking the word "fifteen"
- 8 and inserting in lieu thereof "ten".

H-2084 Filed - *Adopted 2/7* By BRUNOW of Appanoose
January 30, 1974 MONROE of Des Moines
MIDDLESWART of Warren

H-2096

1 Amend the Committee on Agriculture amendment to
2 House File 550, H-2031, line 185, by inserting after
3 the period the following sentence: "However, a
4 person holding not more than one public auction sale
5 during a calendar year shall be exempt from require-
6 ments for obtaining a public auction license."

H-2096 Filed and lost
February 4, 1974

By EWING of Mahaska

H-2097

1 Amend the Committee amendment H-2031, to House
2 File 550, line 71, by striking the words "five
3 hundred" and inserting in lieu thereof the words
4 "one thousand".

H-2097 Filed and lost
February 4, 1974

By HARPER of Davis

H-2098

1 Amend the Committee amendment H-2031, to House
2 File 550, as follows:
3 1. By striking from lines 213, 214 and 215 the
4 following: "ten dollars per year or two dollars and
5 fifty cents for each quarter or portion of a quarter
6 of a year" and inserting in lieu thereof the words
7 "two dollars".
8 2. By striking from lines 233, 234 and 235 the
9 following: "ten dollars per year or two dollars and
10 fifty cents for each quarter or portion of a quarter
11 of a year" and inserting in lieu thereof the words
12 "two dollars".

H-2098 Filed and lost
February 4, 1974

By DEN HERDER of Sioux

H-2095

- 1 Amend the Committee on Agriculture amendment to
- 2 House File 550, H-2031, as follows:
- 3 1. Line 39, by striking the words "profit or".
- 4 2. Line 136, by striking the word "No" and insert-
- 5 ing in lieu thereof the words "After January 1, 1975,
- 6 no".
- 7 3. Lines 136 and 137, by striking the words "for
- 8 more than six months after the effective date of this
- 9 Act".
- 10 4. Line 151, by striking the word "No" and insert-
- 11 ing in lieu thereof the words "After January 1, 1975,
- 12 no".
- 13 5. Lines 152 and 153, by striking the words "for
- 14 more than six months after the effective date of this
- 15 Act".
- 16 6. Line 165, by striking the word "No" and insert-
- 17 ing in lieu thereof the words "After January 1, 1975,
- 18 no".
- 19 7. Lines 166 and 167, by striking the words "for
- 20 more than six months after the effective date of this
- 21 Act".
- 22 8. Line 179, by striking the word "No" and insert-
- 23 ing in lieu thereof the words "After January 1, 1975,
- 24 no".
- 25 9. Lines 180 and 181, by striking the words "for
- 26 more than six months after the effective date of this
- 27 Act".
- 28 10. Line 201, by striking the word "No" and insert-
- 29 ing in lieu thereof the words "After January 1, 1975,
- 30 no".
- 31 11. Lines 202 and 203, by striking the words "for
- 32 more than six months after the effective date of this
- 33 Act".
- 34 12. Line 221, by striking the word "No" and in-
- 35 sserting in lieu thereof the words "After January 1,
- 36 1975, no".
- 37 13. Lines 221, 222, and 223, by striking the words
- 38 "for more than six months after the effective date of
- 39 this Act".
- 40 14. Line 241, by striking the word "No" and in-
- 41 sserting in lieu thereof the words "After January 1,
- 42 1975, no".
- 43 15. Lines 242 and 243, by striking the words "for
- 44 more than six months after the effective date of this
- 45 Act".
- 46 16. Line 255, by striking the word "No" and in-
- 47 sserting in lieu thereof the words "After January 1,
- 48 1975, no".
- 49 17. Lines 255, 256, and 257, by striking the words
- 50 "for more than six months after the effective date of
- 51 this Act".
- 52 18. Line 294, by inserting after the word "a" the
- 53 words "pound, animal shelter,".
- 54 19. Line 304, by inserting after the word "to"
- 55 the word "adequately".

H-2095 Filed - *Adopted 2/4*
February 1, 1974

By STEPHENS of Plymouth
DANKER of Pottawattamie
HUSAK of Tama

Senate Deferred 3/18/74 (857)

February 6, 1974

HOUSE FILE 550

House File 550
Agriculture—
Briles, Chairman
Schaben
Miller of Marshall

2/8. Passed 2/71 2/13

By COMMITTEE ON AGRICULTURE

(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date *2-22-74 (1180)* Passed Senate, Date *3-19-74 (891)*

Vote: Ayes *84* Nays *6* Vote: Ayes *36* Nays *5*

Approved *April 19, 1974*

A BILL FOR

- 1 An Act to provide standards for the care of animals in
- 2 animal shelters, pounds, and pet shops, and to regulate
- 3 dealers, animal wardens, boarding kennels, commercial
- 4 kennels, hobby kennels, public auctions, and commercial
- 5 breeders, and provide penalties for violations.
- 6 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION. POLICY.* The purpose of this

2 Act is:

3 1. To insure that all dogs and cats handled by
4 boarding kennels, commercial kennels, hobby kennels,
5 commercial breeders, dealers, and public auctions are
6 provided with humane care and treatment by regulating the
7 transportation, sale, purchase, housing, care, handling
8 and treatment of such animals by persons or organizations
9 engaged in transporting, buying, or selling them and to
10 provide that all vertebrate animals consigned to pet shops
11 are provided humane care and treatment by regulating the
12 transportation, sale, purchase, housing, care, handling and
13 treatment of such animals by pet shops.

14 2. To authorize the sale, trade, or adoption of only
15 those animals which appear to be free of infectious or
16 communicable disease.

17 3. To protect the public from zoonotic disease.

18 Sec. 2. *NEW SECTION. DEFINITIONS.* As used in this
19 Act, except as otherwise expressly provided:

20 1. "Pound" or "dog pound" means a facility for the
21 prevention of cruelty to animals operated by the state, a
22 municipal corporation, or other political subdivision of
23 the state for the purpose of impounding or harboring seized
24 stray, homeless, abandoned or unwanted dogs, cats or other
25 animals; or a facility operated for such a purpose under a
26 contract with any municipal corporation or incorporated
27 society.

1 2. "Person" means person as defined in chapter four (4)
2 of the Code.

3 3. "Animal shelter" means a facility which is used to
4 house or contain dogs or cats, or both, and which is owned,
5 operated, or maintained by an incorporated humane society,
6 animal welfare society, society for the prevention of cruelty
7 to animals, or other nonprofit organization devoted to the
8 welfare, protection, and humane treatment of such animals.

9 4. "Pet shop" means an establishment where any dog,
10 cat, rabbit, rodent, nonhuman primate, bird, or other
11 vertebrate animal is bought, sold, exchanged or offered
12 for sale to the general public.

13 5. "Boarding kennel" means a place or establishment
14 other than a pound or animal shelter where dogs or cats
15 not owned by the proprietor are sheltered, fed, and
16 watered in return for a consideration.

17 6. "Commercial kennel" means a kennel which performs
18 grooming or training services for dogs or cats, or both,
19 and may or may not render boarding services in return for
20 a consideration.

21 7. "Hobby kennel" means a noncommercial kennel at, in,
22 or adjoining a private residence where dogs or cats, or
23 both, are kept for the hobby of the householder, in using
24 them for hunting or practice training or for exhibiting
25 them in shows or field or obedience trials, or for guarding
26 or protecting the householder's property and from which
27 offspring with a total value in excess of one hundred dollars

1 are sold, traded, or exchanged during a calendar year. The
2 keeper of a hobby kennel may keep or maintain up to ten dogs
3 or cats, or both, of either sex per year and may raise or
4 sell not more than fifteen offspring of either dogs or cats,
5 or both, during any calendar year without changing the
6 status of the kennel. If the keeper of a hobby kennel sells
7 more than fifteen offspring, or sells, trades, or transfers
8 for consideration offspring with a total value in excess of
9 five hundred dollars, during any calendar year, he shall be
10 subject to licensing as a commercial breeder.

11 8. "Commercial breeder" means a person engaged in the
12 business of breeding dogs or cats, or both, for sale, whether
13 or not such animals are raised, trained, groomed, or boarded
14 by such breeder.

15 9. "Public auction" means any place or location where dogs
16 or cats, or both, are sold at auction to the highest bidder
17 regardless of whether the dogs or cats are offered as
18 individuals, as a group, or by weight.

19 10. "Secretary" means the secretary of agriculture of
20 the state of Iowa.

21 11. "Dealer" means any person who is engaged in the
22 business of buying for resale or selling or exchanging dogs
23 or cats, or both, as a principal or agent, or who holds him-
24 self out to be so engaged.

25 12. "Research facility" means any school or college of

1 medicine, veterinary medicine, pharmacy, dentistry, or
2 osteopathy, or hospital, diagnostic or research
3 laboratories, or other educational or scientific
4 establishment situated in this state concerned with the
5 investigation of, or instruction concerning the structure
6 or function of living organisms, the cause, prevention,
7 control, or cure of diseases or abnormal conditions of
8 human beings or animals.

9 13. "Primary enclosure" means any structure used to
10 immediately restrict an animal to a limited amount of
11 space, such as a room, pen, cage, or compartment.

12 14. "Housing facility" means any room, building or
13 area used to contain a primary enclosure or enclosures.

14 15. "Euthanasia" means the humane destruction of
15 an animal accomplished by a method that involves
16 instantaneous unconsciousness and immediate death or by
17 a method that involves anesthesia, produced by an agent
18 which causes painless loss of consciousness, and death
19 during the loss of consciousness.

20 16. "Adequate feed" means the provision at suitable
21 intervals of not more than twenty-four hours or longer
22 if the dietary requirements of the species so require,
23 of a quantity of wholesome foodstuff suitable for the
24 species and age, sufficient to maintain a reasonable level

1 of nutrition in each animal. The foodstuff shall be
2 served in a clean receptacle, dish or container.

3 17. "Adequate water" means reasonable access to a
4 supply of clean, fresh, potable water provided in a
5 sanitary manner or provided at suitable intervals for
6 the species and not to exceed twenty-four hours at any
7 interval.

8 18. "Animal warden" means any person employed,
9 contracted, or appointed by the state, municipal
10 corporation, or any political subdivision of the state,
11 for the purpose of aiding in the enforcement of the
12 provisions of this Act or any other law or ordinance
13 relating to the licensing of animals, control of
14 animals or seizure and impoundment of animals and includes
15 any peace officer, animal control officer, or other employee
16 whose duties in whole or in part include assignments which
17 involve the seizure or taking into custody of any animal.

18 **Sec. 3. NEW SECTION. CERTIFICATE OF REGISTRATION FOR**
19 **POUND.** After January 1, 1975, no pound shall be operated
20 unless a certificate of registration for the pound is
21 granted by the secretary. Application for the certificate
22 shall be made in the manner approved by the secretary. No
23 fee shall be required for the application or certificate.
24 Certificates of registration shall expire annually on March
25 first unless revoked and may be renewed upon application

1 in the manner provided by the secretary. A registered
2 pound may engage in the sale of dogs or cats, or both, under
3 its control, if it obtains a license for such activity, but
4 no fee shall be charged therefor unless the registered
5 pound is privately owned.

6 **Sec. 4. NEW SECTION. CERTIFICATE OF REGISTRATION FOR**
7 **ANIMAL SHELTER.** After January 1, 1975, no person shall
8 operate an animal shelter unless a certificate of
9 registration for the animal shelter is granted by the
10 secretary. Application for the certificate shall be made
11 in the manner provided by the secretary. No fee shall
12 be required for the application or certificate. Certificates
13 of registration shall expire annually on March first unless
14 revoked and may be renewed in the manner provided by the
15 secretary. A registered animal shelter may engage in
16 the sale of dogs or cats, or both, under its control, if it
17 obtains a license for such activity, but no fee shall be
18 charged therefor.

19 **Sec. 5. NEW SECTION. PET SHOP LICENSE.** After January 1,
20 1975, no person shall operate a pet shop unless he has
21 obtained a license to operate a pet shop issued by the
22 secretary. Application for the license shall be made in
23 the manner provided by the secretary. The license shall
24 expire annually on March first of each year unless revoked
25 and may be renewed in the manner provided by the secretary.
26 The license fee shall be forty dollars per year or ten dollars

1 for each quarter or portion of a quarter of a year. The
2 license may be renewed if the licensee has conformed to all
3 statutory and regulatory requirements.

4 Sec. 6. *NEW SECTION. COMMERCIAL KENNEL OR PUBLIC*
5 *AUCTION LICENSE.* After January 1, 1975, no person shall
6 operate a commercial kennel or public auction, as defined
7 in Section 2 of this Act, unless he has obtained a license
8 to operate a commercial kennel or a public auction issued
9 by the secretary or unless he has obtained a certificate
10 of registration issued by the secretary if his kennel is
11 federally licensed. Application for the license or the
12 certificate shall be made in the manner provided by the
13 secretary. The license and the certificate shall expire
14 annually on March first unless revoked. The license fee
15 shall be twenty-five dollars per year or seven dollars
16 for each quarter or portion of a quarter of a year and the
17 certification fee shall be ten dollars annually or two
18 dollars and fifty cents for each quarter or portion of a
19 quarter of a year. If the person has obtained a federal
20 license, he need only obtain a certificate. The license or
21 the certificate may be renewed upon application and payment
22 of the prescribed fee in the manner provided by the secretary
23 provided the licensee has conformed to all statutory and
24 regulatory requirements.

25 Sec. 7. *NEW SECTION. DEALER LICENSE.* After January 1,
26 1975, no person shall operate as a dealer unless he has

1 obtained a license issued by the secretary or unless he has
2 obtained a certificate of registration issued by the secretary
3 if his kennel is federally licensed. Application for the
4 license or the certificate shall be made in the manner
5 provided by the secretary. The license and certificate shall
6 expire annually on March first unless revoked. The license
7 fee shall be fifty dollars per year or fifteen dollars for
8 each quarter or portion of a quarter of a year, and the
9 certification fee shall be ten dollars per year or two dollars
10 and fifty cents for each quarter or portion of a quarter of
11 a year. The license or the certificate may be renewed upon
12 application and payment of the prescribed fee in the manner
13 provided by the secretary, provided the licensee has conformed
14 to all statutory and regulatory requirements.

15 Sec. 8. *NEW SECTION.* COMMERCIAL BREEDER'S LICENSE.
After

16 January 1, 1975, no person shall operate as a commercial
17 breeder unless he has obtained a license issued by the
18 secretary or unless he has obtained a certificate of
19 registration issued by the secretary if his kennel is
20 federally licensed. Application for the license or the
21 certificate shall be made in the manner provided by the
22 secretary. The annual license or the certification period
23 shall commence March first of each year. The license fee
24 shall be twenty-five dollars per year or seven dollars for
25 each quarter or portion of a quarter of a year and the
26 certificate fee shall be ten dollars per year or two dollars

1 and fifty cents for each quarter or portion of a quarter
2 of a year. The license or the certificate may be renewed
3 upon application and payment of the prescribed fee in the
4 manner provided by the secretary provided the licensee
5 has conformed to all statutory and regulatory requirements.

6 **Sec. 9. NEW SECTION. BOARDING KENNEL OPERATOR'S**
7 **LICENSE.** After January 1, 1975, no person shall operate a
8 boarding kennel unless he has obtained a license to operate
9 a boarding kennel issued by the secretary. Application
10 for the license shall be made in the manner provided by
11 the secretary. The annual license period shall commence
12 March first of each year. The license fee shall be fifteen
13 dollars per year or four dollars for each quarter or portion
14 of a quarter of a year. The license may be renewed upon
15 application and payment of the prescribed fee in the manner
16 provided by the secretary provided the licensee has conformed
17 to all statutory and regulatory requirements.

18 **Sec. 10. NEW SECTION. HOBBY KENNEL OWNER'S LICENSE.**
19 After January 1, 1975, no person shall operate a hobby kennel
20 unless he obtains a license issued by the secretary. Application
21 for the license shall be in the manner provided by the
22 secretary. The annual license period shall commence March
23 first. No fee shall be charged for the license. The license
24 may be renewed upon application in the manner prescribed by
25 the secretary, provided the licensee has conformed to all
26 statutory and regulatory requirements.

1 **Sec. 11. NEW SECTION. EXCEPTIONS.** Any person who has
2 obtained a certificate of registration as a dealer or
3 commercial breeder or who has obtained a certificate of
4 registration for a commercial kennel or public auction
5 pursuant to the provisions of this Act and who possesses
6 a corresponding federal license, shall not be subject to
7 further regulation by the secretary under the provisions
8 of this Act.

9 **Sec. 12. NEW SECTION. DENIAL OR REVOCATION OF**
10 **LICENSE OR REGISTRATION.** A certificate of registration may
11 be denied to any pound or animal shelter and a license may
12 be denied to any public auction, boarding kennel, commercial
13 kennel, hobby kennel, pet shop, commercial breeder, or
14 dealer or, if granted such certificate or license, may be
15 revoked by the secretary if, after public hearing, it is
16 determined that the housing facilities or primary enclosures
17 are inadequate under the provisions of this Act or if the
18 feeding, watering, cleaning and housing practices at the
19 pound, animal shelter, public auction, pet shop, boarding
20 kennel, commercial kennel, hobby kennel, or those practices
21 by the commercial breeder or dealer, are not in compliance
22 with the provisions of this Act or with the rules and
23 regulations which shall be promulgated pursuant to the
24 authority of this Act. The premises of each licensee or
25 certificate holder shall be open for inspection during
26 normal business hours.

1 **Sec. 13. NEW SECTION. PENALTIES. Operation of a**
2 **pound, animal shelter, pet shop, boarding kennel,**
3 **commercial kennel, hobby kennel or public auction, as**
4 **defined in Section 2 of this Act, or dealing in dogs**
5 **or cats, or both, either as a dealer or a commercial**
6 **breeder, without a currently valid license or a**
7 **certificate of registration shall constitute a misdemeanor**
8 **and each day of such operation shall constitute a**
9 **separate offense. Upon conviction, a violator shall be**
10 **fined not more than one hundred dollars or imprisoned**
11 **in the county jail not more than thirty days.**

12 **Failure of any person licensed or registered to**
13 **adequately house, feed or water dogs or cats, or both,**
14 **in his possession or custody or failure of any operator**
15 **of a licensed pet shop to adequately house, feed, or**
16 **water any vertebrate animal shall constitute a misdemeanor.**
17 **Upon conviction, a violator shall be fined not more**
18 **than one hundred dollars or imprisoned in the county jail**
19 **not more than thirty days. Such animals shall be subject**
20 **to seizure and impoundment and may be sold or destroyed**
21 **by euthanasia at the discretion of the secretary and such**
22 **failure shall also constitute grounds for revocation of**
23 **license after public hearing. The commission of an act**
24 **declared to be an unlawful practice under section seven**
25 **hundred thirteen point twenty-four (713.24) of the Code,**
26 **by any person licensed under this Act shall constitute**
27 **grounds for revocation of license.**

1 **Sec. 14. NEW SECTION. CUSTODY BY ANIMAL WARDEN. An**
2 **animal warden, upon taking custody of any animal in the**
3 **course of his official duties, shall immediately make**
4 **a record of the matter in the manner prescribed by the**
5 **secretary and the record shall include a complete**
6 **description of the animal, reason for seizure, location**
7 **of seizure, the owner's name and address if known, and**
8 **all license or other identification numbers, if any.**
9 **Complete information relating to the disposition of the**
10 **animal shall be added in the manner provided by the**
11 **secretary immediately after disposition.**

12 **Sec. 15. NEW SECTION. VIOLATION BY ANIMAL WARDEN.**
13 **Violation of any provision of this Act which relates to**
14 **the seizing, impoundment, and custody of an animal by**
15 **an animal warden shall constitute a misdemeanor and each**
16 **animal handled in violation shall constitute a separate**
17 **offense. Upon conviction, a violator shall be fined not**
18 **more than one hundred dollars or imprisoned in the county**
19 **jail not more than thirty days.**

20 **Sec. 16. NEW SECTION. RULES AND REGULATIONS. The**
21 **secretary shall promulgate rules consistent with the**
22 **objectives and intent of this Act, for the purpose of**
23 **carrying out such objectives and intent, within ninety**
24 **days after the effective date of this Act, subject to**
25 **chapter seventeen A (17A) of the Code. However, rules**

1 adopted by the secretary shall not exceed any federal
2 standards or rules except as specifically provided for
3 in this Act.

4 Sec. 17. *NEW SECTION. EXCEPTIONS.* This Act shall apply
5 to a place or establishment which operates under the
6 immediate supervision of a duly licensed veterinarian as
7 a hospital where animals are harbored, hospitalized, and
8 cared for incidental to the treatment, prevention, or
9 alleviation of disease processes during the routine practice
10 of the profession of veterinary medicine, except that, if
11 animals are accepted by such place, establishment, or
12 hospital for the primary purpose of boarding for consideration,
13 the place, establishment, or hospital shall be subject to
14 the provisions hereof applicable to a boarding kennel and
15 the regulations relating thereto which shall hereafter be
16 promulgated by the secretary.

17 Sec. 18. *NEW SECTION. FEES.* All fees collected by
18 the secretary from licenses and certificates issued under
19 this Act shall be paid to the treasurer of state.

20 EXPLANATION

21 This bill is patterned after model legislation proposed
22 by the United States Animal Health Association. The bill
23 provides for the licensing or registration of animal shelters,
24 animal pounds, pet shops, dealers, boarding kennels, and
25 commercial breeders to insure that animals are treated humanely

- 1 and that animal diseases are properly controlled or eradicated.
- 2 The licensing and certificates are issued by the depart-
- 3 ment of agriculture which is responsible for the administra-
- 4 tion and enforcement of the provisions of this bill. There
- 5 are no fees for publicly-owned pounds and animal shelters
- 6 operated by humane societies or similar organizations. Fees
- 7 for commercial breeders, pet shops, commercial kennels,
- 8 boarding kennels and dealers vary from fifteen to fifty dollars
- 9 with the exception to federally-licensed operations which
- 10 may be registered for ten dollars.
- 11 Violations are punishable as misdemeanors.

HOUSE FILE 550

S-2263

1 Amend House File 550, as amended and passed by the
2 House and reprinted, as follows:

3 1. By adding the following new sections:

4 Sec. _____. Section three hundred fifty-one point five
5 (351.5), Code 1973, is amended by adding the following
6 new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The application shall
8 further state whether the dog, if a female, has been
9 spayed.

10 Sec. _____. Section three hundred fifty-one point six
11 (351.6), Code 1973, is amended to read as follows:

12 351.6 FEE. The annual license fee shall be one
13 dollar for each ~~male, and three dollars for each female~~
14 dog. Should it appear that said fees will not produce
15 sufficient funds to pay the claims on the domestic
16 animal fund, the board of supervisors shall have power,
17 except as to dogs owned in cities and towns which exact
18 a license fee on dogs, to increase the ~~said fees fee~~
19 to a sum not exceeding ~~three dollars for each male, and~~
20 ~~not exceeding~~ five dollars for each female dog. A
21 ~~spayed female dog shall be deemed a male. Said~~ The fee
22 shall ~~be sent with~~ accompany the application.

23 Sec. _____. Section three hundred fifty-one point
24 fifteen (351.15), Code 1973, is amended to read as
25 follows:

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1 351.15 ASSESSORS TO LIST DOGS -- FEES. The assessor
2 shall, at the time of listing property for assessment,
3 cause to be listed and return to the county auditor the
4 names of all persons who own or harbor dogs, and indicate
5 on such the list the number of dogs owned or harbored and
6 whether the dogs be male, female, or which are female are
7 spayed, and the number thereof. For such service, the
8 assessor shall receive, from the domestic animal fund,
9 the sum of ten cents for each dog reported, which fee
10 shall be paid in full when return is made. Such fees
11 shall be considered as earnings of the office and shall,
12 within ten days of the receipt thereof, be paid to the
13 county treasurer and credited to the general fund of the
14 county.

15 Sec. _____. Section three hundred fifty-one point
16 thirty-three (351.33), Code 1973, is amended to read as
17 follows:

18 351.33 RABIES VACCINATION -- FEMALE DOGS SPAYED.
19 Every owner of a dog shall obtain a rabies vaccination
20 for ~~such animal~~ it and, if it is a female, shall have it
21 spayed. It shall be unlawful for any person to own or
22 have a dog in his possession, six months of age or over,
23 which has not been vaccinated against rabies and, if a
24 female, spayed. Dogs kept by commercial breeders or in
25 hobby kennels, as defined in section one (1) of this Act,

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1 and not allowed to run at large shall not be subject to
2 these vaccination requirements.

3 Sec. _____. Section three hundred fifty-one point
4 thirty-four (351.34), Code 1973, is amended to read as
5 follows:

6 351.34 CONDITION FOR LICENSE. Before a license is
7 issued for any dog, the owner must present evidence with
8 the application required by section 351.3 that the dog
9 has been vaccinated against rabies, ~~or and,~~ if a female,
10 spayed. If the dog license fee is paid to the assessor,
11 as permitted in sections 351.16, such evidence must be
12 presented to the assessor. Such evidence shall be a
13 certificate of vaccination signed by a licensed veteri-
14 narian stating that the dog, if a female, is spayed, that
15 the dog has been vaccinated for rabies, and the certifi-
16 cate shall show that the vaccination does not expire
17 within six months from the effective date of the dog
18 license.

19 Sec. _____. Any person who, on the effective date of
20 this Act, is the owner of one or more unspayed female
21 dogs shall have one year from that date to comply with
22 the requirements relative to spaying of female dogs
23 imposed by sections three hundred fifty-one point thirty-
24 three (351.33) and three hundred fifty-one point thirty-
25 four (351.34) of the Code as amended by this Act.

S-2263 Filed - *K. Williams 3/14*
February 27, 1974

By RAMSEY

S-2262

1 Amend House File 550, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 12, by striking line 8.

4 2. Page 12, line 9, by striking the words "separate
5 offense".

6 3. Page 12, line 19, by striking the words ". Such
7 animals" and inserting in lieu thereof the words ", and
8 any animals in the defendant's custody or possession".

9 4. Page 14, line 10, by striking the words ", except
10 that, if" and inserting in lieu thereof a period.

11 5. Page 14, by striking lines 11 through 16,
12 inclusive.

S-2262 Filed - *K. Williams 3/14*
February 27, 1974

By RAMSEY

S-2526

1 Amend the Doderer amendment S-2525, to House File
2 550, as amended, passed and reprinted by the House,
3 as follows:

4 1. Line 6, by inserting before the word "ship" the
5 word "knowingly".

S-2526 Filed and adopted
March 19, 1974

By DODERER and RILEY

S-2222

1 Amend House File 550 as amended, passed and
2 reprinted by the House as follows:
3 Page 14, by striking lines 10 through 12
4 and inserting in lieu thereof the following: "of
5 the profession of veterinary medicine, and".

S-2222 Filed - *William 3/14*
February 21, 1974

By WILLITS

S-2256

1 Amend House File 550, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 8, lines 20 and 21, by striking the words
4 "or the certificate".
5 2. Page 8, line 24, by inserting after the period
6 the following: "The certificate may be renewed upon
7 application and payment of the prescribed fee in the
8 manner provided by the secretary."
9 3. Page 9, line 11, by striking the words "or the
10 certificate".
11 4. Page 9, line 14, by inserting after the period
12 the following: "The certificate may be renewed upon
13 application and payment of the prescribed fee in the
14 manner provided by the secretary."
15 5. Page 10, line 2, by striking the words "or the
16 certificate".
17 6. Page 10, line 5, by inserting after the period the
18 following: "The certificate may be renewed upon applica-
19 tion and payment of the prescribed fee in the manner pro-
20 vided by the secretary."
21 7. Page 11, by striking lines 1 through 8 and in-
22 serting in lieu thereof the following:
23 Sec. 11. NEW SECTION. EXCEPTIONS.
24 1. Any dealer or commercial breeder and any person
25 who operates a commercial kennel or public auction who

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1 has obtained and is operating his business under a current
2 and valid federal license shall, upon payment of the
3 prescribed fee, be forwarded a certificate of registra-
4 tion by the secretary.
5 2. The certificate of registration may be denied or
6 revoked if the person no longer possesses a current and
7 valid federal license. Other than obtaining the certifi-
8 cate of registration from the secretary, any dealer or
9 commercial breeder and any person who operates a commercial
10 kennel or public auction shall not be subject to further
11 regulation under the provisions of this Act.
12 3. Any person who possesses a current and valid federal
13 license may, in lieu of obtaining a certificate of registra-
14 tion, make application for a state license as provided
15 in this Act. If properly qualified, and upon payment of
16 the prescribed fee, a license shall be issued under the
17 provisions of this Act.

S-2256 Filed - *Edith 3/13*
February 26, 1974

By RAMSEY, TIEDEN and VAN GILST

S-2171

- 1 Amend House File 550 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 4, line 6, by inserting a comma after the
- 4 word "sells".
- 5 2. Page 4, by striking lines 7, 8 and 9 and inserting
- 6 in lieu thereof the following: "trades, or transfers
- 7 more than fifteen offspring during any calendar year,
- 8 he shall be".
- 9 3. Page 10, line 23, by striking the words "No
- 10 fee shall be charged for the license." and inserting
- 11 in lieu thereof the following: "The license fee
- 12 shall be two dollars per year."

S-2171 Filed *adapted, reconsidered,* By COMMITTEE ON AGRICULTURE
 February 13, 1974 *adapted as amended by 22608 3/19*

S-2260

- 1 Amend the Senate Committee on Agriculture amendment,
- 2 S-2171, to House File 550, as amended, passed, and re- B.
- 3 printed by the House, as follows:
- 4 1. By inserting after line 2 the following amendment: P
- 5 _____. Page 3, line 27, by striking the word "one" *withdrawn*
- 6 and inserting in lieu thereof the word "two". 3/18
- 7 2. By striking from line 8 the words "he shall be" A.
- 8 and inserting in lieu thereof the words ", the hobby *withdrawn*
- 9 kennel shall be subject to licensing as a commercial 3/18
- 10 kennel and the keeper of the hobby kennel shall be".
- 11 3. By inserting after line 8 the following amendments: B.
- 12 _____. Page 4, line 10, by inserting after the word *withdrawn*
- 13 "breeder" the words "or dealer, whichever is applicable". 3/18 A
- 14 _____. Page 8, line 17, by striking the word "ten" B.
- 15 and inserting in lieu thereof the word "five".
- 16 _____. Page 8, line 17, by striking the words "or two".
- 17 _____. Page 8, by striking line 18.
- 18 _____. Page 8, line 19, by striking the words
- 19 "quarter of a year".
- 20 _____. Page 9, line 9, by striking the word "ten" and
- 21 inserting in lieu thereof the word "five".
- 22 _____. Page 9, line 9, by striking the words "or two
- 23 dollars".
- 24 _____. Page 9, by striking line 10.
- 25 _____. Page 9, line 11, by striking the words "a

Page 2

- 1 year".
- 2 _____. Page 9, line 26, by striking the word "ten"
- 3 and inserting in lieu thereof the word "five".
- 4 _____. Page 9, line 26, by striking the words "or
- 5 two dollars".
- 6 _____. Page 10, by striking line 1.
- 7 _____. Page 10, line 2, by striking the words "of a
- 8 year".
- 9 4. Line 12, by striking the word "two" and inserting D
- 10 in lieu thereof the word "five".

S-2260 Filed *withdrawn 3/18 C w. d. 3/18* By RAMSEY and BRILES
 February 27, 1974 *B - loss 3/19, reconsidered, adapted*

*accepted 3/18
 reconsidered
 and res 3/19*

S-2515

Division S-2515-A

1 Amend House File 550, as amended, passed and re-
2 printed by the House, as follows:
3 1. Page 12, by inserting after line 27 the follow-
4 ing:
5 Sec. _____. NEW SECTION. RIGHTS AND REMEDIES. A
6 dealer, as defined in section two (2), subsection
7 eleven (11) of this Act, who sells a diseased animal
8 shall, upon notice from the purchaser within thirty
9 days of the purchase, make a full and complete refund
10 of the purchase price to the purchaser. The purchaser
11 shall, upon demand of the dealer, return the diseased
12 animal, if living, to the dealer; provided, however,
13 that return of the diseased animal shall not be made
14 if the return would subject other animals or humans to
15 the disease. The purchaser shall also, upon demand of
16 the dealer, submit a veterinarian's statement that the
17 animal is diseased, and was diseased on the date of
18 purchase.

Division S-2515-B

19 Any dealer violating the provisions of this section
20 shall be guilty of a misdemeanor and, upon conviction,
21 be subject to a fine not exceeding one hundred dol-
22 lars. Any purchaser violating the provisions of this
23 section shall be guilty of a misdemeanor and, upon
24 conviction, be subject to a fine not exceeding
25 fifty dollars.

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Division S-2515-A(cont'd.)

1 2. By renumbering sections to conform to this
2 amendment.

S-2515 Filed
Division S-2515-A lost
Division S-2515-B withdrawn
March 19, 1974

By DODERER

S-2525

1 Amend House File 550, as amended, passed, and re-
2 printed by the House, page 12, by adding the
3 following paragraph after line 27:
4 "It shall be unlawful for a dealer, as defined
5 in section two (2), subsection eleven (11) of this
6 Act, to ship a diseased animal. A dealer violating
7 the provisions of this paragraph shall be subject to
8 a fine not exceeding one hundred dollars. Each
9 diseased animal shipped in violation of this para-
10 graph shall constitute a separate offense."

S-2525 Filed and a amended By DODERER
March 19, 1974

S—2498

1 Amend House File 550 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 14, line 4, by inserting after the word
4 "shall" the word "not".
5 2. Page 14, line 12, by striking the words
6 "the primary purpose of".

S—2498 Filed *Adopted 3/4*
March 18, 1974

By WILLITS

S—2503

1 Amend the Committee on Agriculture amendment,
2 S-2171, to House File 550, as amended, passed, and
3 reprinted by the House, as follows:
4 1. Line 7, by striking the word "fifteen" and
5 inserting in lieu thereof the word "ten".
6 2. By inserting after line 8 the following amend-
7 ment:
8 _____ Page 4, line 10, by inserting after the
9 word "breeder" the words "or dealer".
10 3. By renumbering amendments as necessary.

S—2503 Filed *Adopted 3/17*
March 18, 1974

By RAMSEY

S—2509

1 Amend House File 550, as amended, passed and
2 reprinted by the House, page 12, lines 18 and 19
3 by striking the words "or imprisoned in the county
4 jail not more than thirty days".

S—2509 Filed *Kochbrown 3/10*
March 18, 1974

By DODERER

S—2510

1 Amend House File 550 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 12, lines 10 and 11 by striking the words
4 "or imprisoned in the county jail not more than
5 thirty days".
6 2. Page 12, lines 18 and 19, by striking the
7 words "or imprisoned in the county jail not more
8 than thirty days".
9 3. Page 13, lines 18 and 19, by striking the words
10 "or imprisoned in the county jail not more than
11 thirty days".

S—2510 Filed *Koch 3/10*
March 18, 1974

By DODERER

SENATE AMENDMENT TO HOUSE FILE 550

- 1 Amend House File 550 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, line 6, by inserting a comma after the
- 4 word "sells".
- 5 2. Page 4, by striking lines 7, 8 and 9 and insert-
- 6 ing in lieu thereof the following: "trades, or
- 7 transfers more than fifteen offspring during any
- 8 calendar year, he shall be".
- 9 3. Page 8, line 17, by striking the word "ten"
- 10 and inserting in lieu thereof the word "five".
- 11 4. Page 8, lines 17, 18 and 19 by striking the
- 12 words "or two dollars and fifty cents for each
- 13 quarter or portion of a quarter of a year".
- 14 5. Page 8, lines 20 and 21, by striking the words
- 15 "or the certificate".
- 16 6. Page 8, line 24, by inserting after the period
- 17 the following: "The certificate may be renewed
- 18 upon application and payment of the prescribed fee
- 19 in the manner provided by the secretary."
- 20 7. Page 9, line 9, by striking the word "ten" and
- 21 inserting in lieu thereof the word "five".
- 22 8. Page 9, lines 9, 10 and 11 by striking the
- 23 words "or two dollars and fifty cents for each
- 24 quarter or portion of a quarter of a year".
- 25 9. Page 9, line 11, by striking the words "or the
- 26 certificate".
- 27 10. Page 9, line 14, by inserting after the period
- 28 the following: "The certificate may be renewed
- 29 upon application and payment of the prescribed fee
- 30 in the manner provided by the secretary."
- 31 11. Page 9, line 26, by striking the word "ten"
- 32 and inserting in lieu thereof the word "five".
- 33 12. Page 9, line 26, by striking the words "or
- 34 two dollars".
- 35 13. Page 10, lines 1 and 2, by striking the words
- 36 "and fifty cents for each quarter or portion of a
- 37 quarter of a year".
- 38 14. Page 10, line 2, by striking the words "or
- 39 the certificate".
- 40 15. Page 10, line 5, by inserting after the
- 41 period the following: "The certificate may be
- 42 renewed upon application and payment of the pre-
- 43 scribed fee in the manner provided by the secretary."
- 44 16. Page 10, line 23, by striking the words "No
- 45 fee shall be charged for the license." and insert-
- 46 ing in lieu thereof the following: "The license
- 47 fee shall be two dollars per year."
- 48 17. Page 11, by striking lines 1 through 8 and
- 49 inserting in lieu thereof the following:
- 50 Sec. 11. NEW SECTION. EXCEPTIONS.
- 51 1. Any dealer or commercial breeder and any
- 52 person who operates a commercial kennel or public
- 53 auction who has obtained and is operating his busi-
- 54 ness under a current and valid federal license
- 55 shall, upon payment of the prescribed fee, be for-
- 56 warding a certificate of registration by the secre-
- 57 tary.

58 2. The certificate of registration may be
59 denied or revoked if the person no longer possesses
60 a current and valid federal license. Other than
61 obtaining the certificate of registration from the
62 secretary, any dealer or commercial breeder and
63 any person who operates a commercial kennel or
64 public auction shall not be subject to further
65 regulation under the provisions of this Act.

66 3. Any person who possesses a current and
67 valid federal license may, in lieu of obtaining a
68 certificate of registration, make application for
69 a state license as provided in this Act. If
70 properly qualified, and upon payment of the pre-
71 scribed fee, a license shall be issued under the
72 provisions of this Act.

73 18. Page 12, by adding the following paragraph
74 after line 27:

75 "It shall be unlawful for a dealer, as
76 defined in section two (2), subsection eleven (11)
77 of this Act, to knowingly ship a diseased animal.
78 A dealer violating the provisions of this paragraph
79 shall be subject to a fine not exceeding one hundred
80 dollars. Each diseased animal shipped in violation
81 of this paragraph shall constitute a separate
82 offense."

83 19. Page 14, line 4, by inserting after the word
84 "shall" the word "not".

85 20. Page 14, line 12, by striking the words
86 "the primary purpose of".

Received from the Senate
March 21, 1974

House concurred 3/22