

Local Gov. Do. 3/14/87 (p. 805)  
Am. by 3/31/87

FILED MAR 12 1987

SENATE FILE **394**  
BY RIORDAN and DIELEMAN

Passed Senate, Date 3-30-87 (p. 968) Passed House, Date 4/21/87  
Vote: Ayes 44 Nays 2 Vote: Ayes 27 Nays 2  
Approved May 7, 1988

A BILL FOR

1 An Act relating to care of animals in commercial establishments.

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

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

*Conference Committee Reported*  
*Representatives Ferguson (Chair), Bunker, May, Chevrolet, Johnson (12/1/87)*  
*Senators - Blawie (Chair), Bickel, Brownell, ... (11/15/87)*

*Passed by Conference Committee Report.*  
*Senate 4/13/88 (p. 1489) 45-0*      *House 4/14/88 (p. 1919) 98-0*

SF 394

1 Section 1. Section 162.2, subsection 4, Code 1987, is  
2 amended to read as follows:

3 4. "Pet shop" means an establishment where any dog, cat,  
4 rabbit, rodent, nonhuman primate, fish, bird, or other  
5 vertebrate animal is bought, sold, exchanged, or offered for  
6 sale ~~to the general public~~.

7 Sec. 2. Section 162.2, subsection 6, Code 1987, is amended  
8 to read as follows:

9 6. "Commercial kennel" means a kennel which performs  
10 grooming, boarding, or training services for dogs or cats ~~or~~  
11 ~~both ways or way-out kennel boarding services~~ in return  
12 for a consideration.

13 Sec. 3. Section 162.2, subsection 7, Code 1987, is amended  
14 by striking the subsection and inserting in lieu thereof the  
15 following:

16 7. "Commercial breeder" means a person who sells,  
17 exchanges, or leases dogs or cats in return for consideration,  
18 or who offers to do so, whether or not the animals are raised,  
19 trained, groomed, or boarded by the person. A person who owns  
20 or harbors three or less breeding males or females is not a  
21 commercial breeder.

22 Sec. 4. Section 162.2, subsection 8, Code 1987, is amended  
23 by striking the subsection and inserting in lieu thereof the  
24 following:

25 8. "Vertebrate animal" means those vertebrate animals  
26 other than members of the equine, bovine, ovine, and porcine  
27 species.

28 Sec. 5. Section 162.3, Code 1987, is amended to read as  
29 follows:

30 162.3 CERTIFICATE OF REGISTRATION FOR POUND.

31 No A pound shall not be operated unless a certificate of  
32 registration for the pound is granted by the secretary.

33 Application for the certificate shall be made in the manner  
34 approved by the secretary. No A fee shall ~~be~~ is not required  
35 for the application or certificate. Certificates of

1 registration ~~shall~~ expire ~~annually-on-March-1~~ one year from  
2 date of issue unless revoked and may be renewed upon  
3 application in the manner provided by the secretary. A  
4 registered pound may engage in the sale of dogs or cats, ~~or~~  
5 ~~both,~~ under its control, ~~if it obtains a license for such~~  
6 ~~activity,~~ the privilege is allowed by the department but no  
7 fee shall be charged therefor unless the registered pound is  
8 privately owned. The registration fee for a privately owned  
9 pound that sells dogs or cats is ten dollars per year.

10 Sec. 6. Section 162.4, Code 1987, is amended to read as  
11 follows:

12 162.4 CERTIFICATE OF REGISTRATION FOR ANIMAL SHELTER.

13 No A person shall not operate an animal shelter unless a  
14 certificate of registration for the animal shelter is granted  
15 by the secretary. Application for the certificate shall be  
16 made in the manner provided by the secretary. No A fee shall  
17 be is not required for the application or certificate.

18 Certificates of registration ~~shall~~ expire ~~annually-on-March-1~~  
19 one year from date of issue unless revoked and may be renewed  
20 in the manner provided by the secretary. A registered animal  
21 shelter may engage in the sale of dogs or cats, ~~or both,~~ under  
22 ~~its control, if it obtains a license for such activity, but no~~  
23 ~~fee shall be charged therefor~~ if the privilege is allowed by  
24 the department.

25 Sec. 7. Section 162.5, Code 1987, is amended to read as  
26 follows:

27 162.5 PET SHOP LICENSE.

28 No A person shall not operate a pet shop unless the person  
29 has obtained a license to operate a pet shop issued by the  
30 secretary. Application for the license shall be made in the  
31 manner provided by the secretary. The license ~~shall expire~~  
32 expires annually-on-March-1-of-each-year one year from date of  
33 issue unless revoked and may be renewed in the manner provided  
34 by the secretary. The license fee ~~shall be~~ is forty dollars  
35 ~~per year or ten dollars for each quarter or portion of a~~

1 ~~quarter-of-a-year~~. The license may be renewed if the licensee  
2 has conformed to all statutory and regulatory requirements.

3 Sec. 8. Section 162.6, Code 1987, is amended to read as  
4 follows:

5 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

6 No A person shall not operate a commercial kennel or public  
7 ~~auction, as defined in section 162.2,~~ unless the person has  
8 obtained a license to operate a commercial kennel or a public  
9 auction issued by the secretary or unless the person has  
10 obtained a certificate of registration issued by the secretary  
11 if the kennel is federally licensed. Application for the  
12 license or the certificate shall be made in the manner  
13 provided by the secretary. The license and the certificate  
14 ~~shall expire annually on March 1~~ one year from date of issue  
15 unless revoked. The license fee ~~shall be~~ is twenty-five  
16 dollars per year ~~or seven dollars for each quarter or portion~~  
17 ~~of a quarter of a year~~ and the certification fee ~~shall be~~ is  
18 five dollars annually. If the person has obtained a federal  
19 license, the person need only obtain a certificate. The  
20 license may be renewed upon application and payment of the  
21 prescribed fee in the manner provided by the secretary  
22 provided if the licensee has conformed to all statutory and  
23 regulatory requirements. The certificate may be renewed upon  
24 application and payment of the prescribed fee in the manner  
25 provided by the secretary.

26 Sec. 9. Section 162.7, Code 1987, is amended to read as  
27 follows:

28 162.7 DEALER LICENSE.

29 No A person shall not operate as a dealer unless the person  
30 has obtained a license issued by the secretary or unless the  
31 person has obtained a certificate of registration issued by  
32 the secretary if the kennel is federally licensed.

33 Application for the license or the certificate shall be made  
34 in the manner provided by the secretary. The license and  
35 certificate ~~shall expire annually on March 1~~ one year from

1 date of issue unless revoked. The license fee ~~shall be~~ is  
2 fifty dollars per year ~~or fifteen dollars for each quarter or~~  
3 ~~portion of a quarter of a year,~~ and the certification fee  
4 ~~shall be~~ is five dollars per year. The license may be renewed  
5 upon application and payment of the ~~prescribed~~ fee in the  
6 manner provided by the secretary, ~~provided if~~ if the licensee has  
7 conformed to all statutory and regulatory requirements. The  
8 certificate may be renewed upon application and payment of the  
9 ~~prescribed~~ fee in the manner provided by the secretary.

10 Sec. 10. Section 162.8, Code 1987, is amended to read as  
11 follows:

12 162.8 COMMERCIAL BREEDER'S LICENSE.

13 ~~No~~ A person shall ~~not~~ operate as a commercial breeder  
14 unless the person has obtained a license issued by the  
15 secretary or unless the person has obtained a certificate of  
16 registration issued by the secretary if the kennel is  
17 federally licensed. Application for the license or the  
18 certificate shall be made in the manner provided by the  
19 secretary. The annual license or the certification period  
20 ~~shall commence March 1 of each year~~ expires one year from date  
21 of issue. The license fee ~~shall be~~ is twenty-five dollars per  
22 year ~~or seven dollars for each quarter or portion of a quarter~~  
23 ~~of a year~~ and the certificate fee ~~shall be~~ is five dollars per  
24 year. The license may be renewed upon application and payment  
25 of the prescribed fee in the manner provided by the secretary  
26 ~~provided if~~ if the licensee has conformed to all statutory and  
27 regulatory requirements. The certificate may be renewed upon  
28 application and payment of the prescribed fee in the manner  
29 provided by the secretary.

30 Sec. 11. Section 162.9, Code 1987, is amended to read as  
31 follows:

32 162.9 BOARDING KENNEL OPERATOR'S LICENSE.

33 ~~No~~ A person shall ~~not~~ operate a boarding kennel unless the  
34 person has obtained a license to operate a boarding kennel  
35 issued by the secretary. Application for the license shall be

1 made in the manner provided by the secretary and expires one  
2 year from date of issue. ~~The annual license period shall~~  
3 ~~commence March 1 of each year.~~ The license fee ~~shall be~~ is  
4 fifteen dollars per year ~~or four dollars for each quarter or~~  
5 ~~portion of a quarter of a year.~~ The license may be renewed  
6 upon application and payment of the prescribed fee in the  
7 manner provided by the secretary provided if the licensee has  
8 conformed to all statutory and regulatory requirements.

9 Sec. 12. Section 162.10, Code 1987, is amended by striking  
10 the section and inserting the following:

11 162.10 RESEARCH FACILITY REGISTRATION.

12 A person shall not operate a research facility unless the  
13 person obtains a certificate issued by the secretary. The  
14 certificate expires one year from date of issue. Application  
15 for the certificate shall be made in the manner provided by  
16 the secretary. A fee is not required for the application or  
17 certificate.

18 Sec. 13. Section 162.11, Code 1987, is amended by adding  
19 the following new subsection:

20 NEW SUBSECTION. 4. This chapter does not apply to a place  
21 or establishment which operates under the immediate  
22 supervision of a duly licensed veterinarian as a hospital  
23 where animals are harbored, hospitalized, and cared for  
24 incidental to the treatment, prevention, or alleviation of  
25 disease processes during the routine practice of the  
26 profession of veterinary medicine. However, if animals are  
27 accepted by such a place, establishment, or hospital for  
28 boarding or grooming for a consideration, the place,  
29 establishment, or hospital is subject to the licensing or  
30 registration requirements applicable to a boarding kennel or  
31 commercial kennel under this chapter and the rules adopted by  
32 the secretary.

33 Sec. 14. Section 162.12, Code 1987, is amended to read as  
34 follows:

35 162.12 DENIAL OR REVOCATION OF LICENSE OR REGISTRATION.

1 A certificate of registration may be denied to any pound or  
2 animal shelter and a license or certificate of registration  
3 may be denied to any public auction, boarding kennel,  
4 commercial kennel, ~~hobby-kennel~~ research facility, pet shop,  
5 commercial breeder, or dealer, ~~or, if granted such an existing~~  
6 ~~certificate or license~~ may be revoked by the secretary if,  
7 after public hearing, it is determined that the housing  
8 facilities or primary enclosures are inadequate under ~~the~~  
9 ~~provisions of~~ this chapter or if the feeding, watering,  
10 cleaning, and housing practices at the pound, animal shelter,  
11 public auction, pet shop, boarding kennel, commercial kennel,  
12 ~~hobby-kennel~~ research facility, or those practices by the  
13 commercial breeder or dealer, are not in compliance with the  
14 ~~provisions of~~ this chapter or with the rules which ~~shall be~~  
15 ~~promulgated~~ adopted pursuant to the ~~authority of~~ this chapter.  
16 The premises of each licensee or certificate holder shall be  
17 open for inspection during normal business hours.

18 Sec. 15. Section 162.13, Code 1987, is amended to read as  
19 follows:

20 162.13 PENALTIES.

21 Operation of a pound, animal shelter, pet shop, boarding  
22 kennel, commercial kennel, ~~hobby-kennel~~ research facility, or  
23 public auction, ~~as defined in section 162.27~~ or dealing in  
24 dogs or cats, or both, either as a dealer or a commercial  
25 breeder, without a currently valid license or a certificate of  
26 registration ~~shall constitute~~ is a simple misdemeanor and each  
27 day of such operation ~~shall constitute~~ is a separate offense.

28 Failure of a ~~person licensed or registered~~ any pound,  
29 research facility, animal shelter, pet shop, boarding kennel,  
30 commercial kennel, commercial breeder, public auction, or  
31 dealer, to adequately house, feed, or water dogs, or cats, or  
32 both, vertebrate animals in the person's or facility's  
33 possession or custody ~~or failure of an operator of a licensed~~  
34 ~~pet shop to adequately house, feed, or water a vertebrate~~  
35 animal is a simple misdemeanor. The animals are subject to

1 seizure and impoundment and may be sold or destroyed by  
2 euthanasia at the discretion of the secretary and the failure  
3 is also grounds for revocation or suspension of license or  
4 registration after public hearing. The commission of an act  
5 declared to be an unlawful practice under section 714.16 or  
6 chapter 717, by a person or facility licensed or registered  
7 under this chapter is grounds for revocation or suspension of  
8 the license or registration certificate. Dogs, cats, and  
9 other vertebrates upon which euthanasia is permitted by law  
10 may be destroyed by persons or facilities subject to this  
11 chapter or chapter 169, and only by euthanasia.

12 It ~~shall be~~ is unlawful for a dealer, ~~as defined in section~~  
13 ~~162.2, subsection 10,~~ to knowingly ship a diseased animal. A  
14 dealer violating the ~~provisions of~~ this paragraph ~~shall be~~ is  
15 subject to a fine not exceeding one hundred dollars. Each  
16 diseased animal shipped in violation of this paragraph ~~shall~~  
17 constitute is a separate offense.

18 Sec. 16. Section 162.17, Code 1987, is repealed.

19 EXPLANATION

20 This bill amends certain definitions relating to commercial  
21 operations involving animals. "Pet shop" is amended to  
22 include establishments selling or offering fish for sale. The  
23 definition of "commercial kennel" is amended to include a  
24 kennel that performs grooming, boarding, or training services  
25 for dogs or cats in return for a consideration, whether or not  
26 boarding services are also rendered. The bill defines  
27 "commercial breeder" and provides for a mandatory license.  
28 The bill also provides that licenses issued to pet shops,  
29 commercial kennels, public auctions, dealers, commercial  
30 breeders, research facilities, and board kennel operators  
31 expire one year from date of issue. The bill also provides  
32 that research facilities are subject to chapter 162.

33

34

35



FEBRUARY 25, 1988

HOUSE AMENDMENT TO  
SENATE FILE 394

5138

1 Amend Senate File 394, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 4, by striking the word "fish".

4 2. Page 1, by striking lines 16 through 21 and  
5 inserting the following:

6 "7. "Commercial breeder" means a person engaged in  
7 the business of breeding dogs or cats, regardless of  
8 whether the dogs or cats are raised, trained, groomed,  
9 or boarded by the person. However, a person who owns  
10 or harbors three or less animals for breeding is not a  
11 commercial breeder."

12 3. Page 5, by striking lines 9 through 17.

13 4. Page 6, line 4, by striking the words "hobby  
14 kennel research facility," and inserting the  
15 following: "hobby-kennel".

16 5. Page 6, line 12, by striking the words "hobby  
17 kennel research facility," and inserting the  
18 following: "hobby-kennel".

19 6. Page 6, line 22, by striking the words  
20 "research facility".

21 7. Page 6, line 29, by striking the words  
22 "research facility".

23 8. Page 6, line 32, by striking the words "or  
24 facility's".

25 9. Page 7, line 6, by striking the words "or  
26 facility".

27 10. Page 7, line 18, by striking the word  
28 "repealed" and inserting the following: "amended by  
29 striking the section and inserting in lieu thereof the  
30 following:

31 162.17 EXCEPTIONS.

32 This chapter does not apply to the following:

33 1. A place or establishment which operates as a  
34 kennel situated on property within a racetrack  
35 enclosure as defined in section 99D.2.

36 2. A noncommercial kennel at, in, or adjoining a  
37 private residence where dogs or cats, or both, are  
38 kept for the hobby of the householder, in using them  
39 for hunting or practice training or for exhibiting  
40 them in shows or field or obedience trials, or for  
41 guarding or protecting the householder's property.  
42 However, the dogs or cats must not be kept for  
43 breeding if a person receives consideration for  
44 providing for breeding."

45 11. Page 7, by inserting after line 18 the  
46 following:

47 "Sec. \_\_\_\_ . Section 162.10, Code 1987, is repealed.

48 Sec. \_\_\_\_ . Section 162.11, Code 1987, is repealed."

49 12. By renumbering as necessary.

5-5138

Filed February 24, 1988,

RECEIVED FROM THE HOUSE

## SENATE FILE 394

H-5119

1 Amend Senate File 394, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 4, by striking the word "fish".

4 2. Page 1, by striking lines 16 through 21 and  
5 inserting the following:

6 "7. "Commercial breeder" means a person engaged in  
7 the business of breeding dogs or cats, regardless of  
8 whether the dogs or cats are raised, trained, groomed,  
9 or boarded by the person. However, a person who owns  
10 or harbors three or less animals for breeding is not a  
11 commercial breeder."

12 3. Page 5, by striking lines 9 through 17.

13 4. Page 6, line 4, by striking the words "hobby  
14 kennel research facility," and inserting the  
15 following: "hobby-kennel,".

16 5. Page 6, line 12, by striking the words "hobby  
17 kennel research facility," and inserting the  
18 following: "hobby-kennel,".

19 6. Page 6, line 22, by striking the words  
20 "research facility,".

21 7. Page 6, line 29, by striking the words  
22 "research facility,".

23 8. Page 6, line 32, by striking the words "or  
24 facility's".

25 9. Page 7, line 6, by striking the words "or  
26 facility".

27 10. Page 7, line 18, by striking the word  
28 "repealed" and inserting the following: "amended by  
29 striking the section and inserting in lieu thereof the  
30 following:

31 162.17 EXCEPTIONS.

32 This chapter does not apply to the following:

33 1. A place or establishment which operates as a  
34 kennel situated on property within a racetrack  
35 enclosure as defined in section 99D.2.

36 2. A noncommercial kennel at, in, or adjoining a  
37 private residence where dogs or cats, or both, are  
38 kept for the hobby of the householder, in using them  
39 for hunting or practice training or for exhibiting  
40 them in shows or field or obedience trials, or for  
41 guarding or protecting the householder's property.  
42 However, the dogs or cats must not be kept for  
43 breeding if a person receives consideration for  
44 providing for breeding."

45 11. Page 7, by inserting after line 18 the  
46 following:

47 "Sec. \_\_\_\_\_. Section 162.10, Code 1987, is repealed.

48 Sec. \_\_\_\_\_. Section 162.11, Code 1987, is repealed."

49 12. By renumbering as necessary.

H-5119 FILED FEBRUARY 17, 1988 BY COMMITTEE ON AGRICULTURE

*Amended 2/23/88 (p. 44)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 394

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the Conference Committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 394, a bill for An Act relating to care of animals in commercial establishments, respectfully make the following report:

1. That the House recedes from its amendment, S-5138.

2. That Senate File 394, as passed by the Senate, is amended as follows:

1. Page 1, line 4, by inserting after the word "fish" the following: "other than live bait".

2. Page 1, line 16, by inserting after the word "person" the following: ", engaged in the business of breeding dogs or cats,".

3. Page 5, line 19, by striking the word "subsection:" and inserting the following: "subsections:".

4. Page 5, by inserting after line 32, the following:

"NEW SUBSECTION. 5. This chapter does not apply to a noncommercial kennel at, in, or adjoining a private residence where dogs or cats are kept for the hobby of the householder, if the dogs or cats are used for hunting, for practice training, for exhibition at shows or field or obedience trials, or for guarding or protecting the householder's property. However, the dogs or cats must not be kept for

breeding if a person receives consideration for providing the breeding."

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

JAMES RIORDAN, Chairperson  
LEONARD BOSWELL  
WILLIAM DIELEMAN  
NORMAN GOODWIN  
RICHARD VANDE HOEF

CLYDE NORRGARD, Chairperson  
CLIFFORD BRANSTAD  
JOSEPHINE GRUHN  
JOSEPH KREMER  
DENNIS MAY

*Senate adopted 4/13 (y. 1489)*

SENATE FILE 394

AN ACT

RELATING TO CARE OF ANIMALS IN COMMERCIAL ESTABLISHMENTS.

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

Section 1. Section 162.2, subsection 4, Code 1987, is amended to read as follows:

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

Sec. 2. Section 162.2, subsection 6, Code 1987, is amended to read as follows:

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

Sec. 3. Section 162.2, subsection 7, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

7. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.

Sec. 4. Section 162.2, subsection 8, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

8. "Vertebrate animal" means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species.

Sec. 5. Section 162.3, Code 1987, is amended to read as follows:

162.3 CERTIFICATE OF REGISTRATION FOR POUND.

No A pound shall not be operated unless a certificate of registration for the pound is granted by the secretary. Application for the certificate shall be made in the manner approved by the secretary. No A fee shall be is not required for the application or certificate. Certificates of registration shall expire ~~annually on March 1~~ one year from date of issue unless revoked and may be renewed upon application in the manner provided by the secretary. A registered pound may engage in the sale of dogs or cats; or both; under its control, if it ~~obtains a license for such activity; the privilege is allowed by the department~~ but no fee shall be charged therefor unless the registered pound is privately owned. The registration fee for a privately owned pound that sells dogs or cats is ten dollars per year.

Sec. 6. Section 162.4, Code 1987, is amended to read as follows:

162.4 CERTIFICATE OF REGISTRATION FOR ANIMAL SHELTER.

No A person shall not operate an animal shelter unless a certificate of registration for the animal shelter is granted by the secretary. Application for the certificate shall be made in the manner provided by the secretary. No A fee shall be is not required for the application or certificate. Certificates of registration shall expire ~~annually on March 1~~ one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. A registered animal shelter may engage in the sale of dogs or cats; or both; under

~~its control; if it obtains a license for such activity, but no fee shall be charged therefor if the privilege is allowed by the department.~~

Sec. 7. Section 162.5, Code 1987, is amended to read as follows:

162.5 PET SHOP LICENSE.

No A person shall not operate a pet shop unless the person has obtained a license to operate a pet shop issued by the secretary. Application for the license shall be made in the manner provided by the secretary. The license ~~shall expire~~ expires annually on March 1 of each year one year from date of issue unless revoked and may be renewed in the manner provided by the secretary. The license fee ~~shall be~~ is forty dollars per year ~~or ten dollars for each quarter or portion of a quarter of a year.~~ The license may be renewed if the licensee has conformed to all statutory and regulatory requirements.

Sec. 8. Section 162.6, Code 1987, is amended to read as follows:

162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

No A person shall not operate a commercial kennel or public auction ~~as defined in section 162.27~~ unless the person has obtained a license to operate a commercial kennel or a public auction issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and the certificate ~~shall expire annually on March 1~~ one year from date of issue unless revoked. The license fee ~~shall be~~ is twenty-five dollars per year ~~or seven dollars for each quarter or portion of a quarter of a year~~ and the certification fee ~~shall be~~ is five dollars annually. If the person has obtained a federal license, the person need only obtain a certificate. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

provided if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 9. Section 162.7, Code 1987, is amended to read as follows:

162.7 DEALER LICENSE.

No A person shall not operate as a dealer unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and certificate ~~shall expire annually on March 1~~ one year from date of issue unless revoked. The license fee ~~shall be~~ is fifty dollars per year ~~or fifteen dollars for each quarter or portion of a quarter of a year,~~ and the certification fee ~~shall be~~ is five dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary, ~~provided if~~ the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 10. Section 162.8, Code 1987, is amended to read as follows:

162.8 COMMERCIAL BREEDER'S LICENSE.

No A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period ~~shall commence March 1 of each year~~ expires one year from date of issue. The license fee ~~shall be~~ is twenty-five dollars per

~~year or seven dollars for each quarter or portion of a quarter of a year and the certificate fee shall be~~ is five dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary provided if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary.

Sec. 11. Section 162.9, Code 1987, is amended to read as follows:

**162.9 BOARDING KENNEL OPERATOR'S LICENSE.**

No ~~A~~ person shall not operate a boarding kennel unless the person has obtained a license to operate a boarding kennel issued by the secretary. Application for the license shall be made in the manner provided by the secretary and expires one year from date of issue. ~~The annual license period shall commence March 1 of each year.~~ The license fee shall be is fifteen dollars per year ~~or four dollars for each quarter or portion of a quarter of a year.~~ The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary provided if the licensee has conformed to all statutory and regulatory requirements.

Sec. 12. Section 162.10, Code 1987, is amended by striking the section and inserting the following:

**162.10 RESEARCH FACILITY REGISTRATION.**

A person shall not operate a research facility unless the person obtains a certificate issued by the secretary. The certificate expires one year from date of issue. Application for the certificate shall be made in the manner provided by the secretary. A fee is not required for the application or certificate.

Sec. 13. Section 162.11, Code 1987, is amended by adding the following new subsections.

NEW SUBSECTION. 4. This chapter does not apply to a place or establishment which operates under the immediate

supervision of a duly licensed veterinarian as a hospital where animals are harbored, hospitalized, and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine. However, if animals are accepted by such a place, establishment, or hospital for boarding or grooming for a consideration, the place, establishment, or hospital is subject to the licensing or registration requirements applicable to a boarding kennel or commercial kennel under this chapter and the rules adopted by the secretary.

NEW SUBSECTION. 5. This chapter does not apply to a noncommercial kennel at, in, or adjoining a private residence where dogs or cats are kept for the hobby of the householder, if the dogs or cats are used for hunting, for practice training, for exhibition at shows or field or obedience trials, or for guarding or protecting the householder's property. However, the dogs or cats must not be kept for breeding if a person receives consideration for providing the breeding.

Sec. 14. Section 162.12, Code 1987, is amended to read as follows:

**162.12 DENIAL OR REVOCATION OF LICENSE OR REGISTRATION.**

A certificate of registration may be denied to any pound or animal shelter and a license or certificate of registration may be denied to any public auction, boarding kennel, commercial kennel, hobby-kennel research facility, pet shop, commercial breeder, or dealer, ~~or, if granted such an existing~~ certificate or license; may be revoked by the secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate under the ~~provisions of this chapter~~ or if the feeding, watering, cleaning, and housing practices at the pound, animal shelter, public auction, pet shop, boarding kennel, commercial kennel, hobby-kennel research facility, or those practices by the

commercial breeder or dealer, are not in compliance with the provisions of this chapter or with the rules which shall be promulgated adopted pursuant to the authority of this chapter. The premises of each licensee or certificate holder shall be open for inspection during normal business hours.

Sec. 15. Section 162.13, Code 1987, is amended to read as follows:

162.13 PENALTIES.

Operation of a pound, animal shelter, pet shop, boarding kennel, commercial kennel, hobby kennel research facility, or public auction, as defined in section 162-2, or dealing in dogs or cats, or both, either as a dealer or a commercial breeder, without a currently valid license or a certificate of registration shall constitute is a simple misdemeanor and each day of such operation shall constitute is a separate offense.

Failure of a person licensed or registered any pound, research facility, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder, public auction, or dealer, to adequately house, feed, or water dogs, or cats, or both, vertebrate animals in the person's or facility's possession or custody or failure of an operator of a licensed pet shop to adequately house, feed, or water a vertebrate animal is a simple misdemeanor. The animals are subject to seizure and impoundment and may be sold or destroyed by euthanasia at the discretion of the secretary and the failure is also grounds for revocation or suspension of license or registration after public hearing. The commission of an act declared to be an unlawful practice under section 714.16 or chapter 717, by a person or facility licensed or registered under this chapter is grounds for revocation or suspension of the license or registration certificate. Dogs, cats, and other vertebrates upon which euthanasia is permitted by law may be destroyed by persons or facilities subject to this chapter or chapter 169, and only by euthanasia.

It shall be is unlawful for a dealer, as defined in section 162-2, subsection 10, to knowingly ship a diseased animal. A dealer violating the provisions of this paragraph shall be is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this paragraph shall constitute is a separate offense.

Sec. 16. Section 162.17, Code 1987, is repealed.

.....  
JO ANN ZIMMERMAN  
President of the Senate

.....  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 194, Seventy-second General Assembly.

.....  
JOHN P. DWYER  
Secretary of the Senate

Approved May 7, 1988

.....  
TERRY E. BRANSTAD  
Governor