

FEB 4 1993

HOUSE FILE 136
BY COMMITTEE ON AGRICULTURE

Place On Calendar

(SUCCESSOR TO HSB 15)

Passed House, Date (P. 562) 3-10-93 Passed Senate, Date _____
Vote: Ayes 95 Nays 2 Vote: Ayes _____ Nays _____
Approved May 14, 1993

A BILL FOR

1 An Act relating to the care of dogs and cats transferred by
2 animal care facilities, authorizing fees and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
HOUSE FILE 136

H-3145

1 Amend House File 136 as follows:

2 1. Page 4, by inserting after line 28 the
3 following:

4 "____. The transfer of a dog or cat to an
5 institution as defined in section 145B.1, a research
6 facility as defined in section 162.2, or a person
7 licensed by the United States department of
8 agriculture as a class B dealer pursuant to 9 C.F.R.
9 subchapter A, part 2. However, a class B dealer who
10 receives an unsterilized dog or cat from a pound or
11 animal shelter shall either sterilize the dog or cat
12 or transfer the unsterilized dog or cat to an
13 institution or research facility provided in this
14 paragraph."

By BERNAU of Story
DINKLA of Guthrie

H-3145 FILED FEBRUARY 25, 1993

Adopted (P. 562) 3-10-93

HF 136

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1 Section 1. NEW SECTION. 162.20 STERILIZATION.

2 1. A pound or animal shelter shall not transfer ownership
3 of a dog or cat by sale or adoption, unless the dog or cat is
4 subject to sterilization. The sterilization shall involve a
5 procedure which permanently destroys the capacity of a dog or
6 cat to reproduce, either by the surgical removal or alteration
7 of its reproductive organs, or by the injection or ingestion
8 of a serum. The pound or animal shelter shall not relinquish
9 custody until it provides for one of the following:

10 a. Sterilization performed by a veterinarian licensed
11 pursuant to chapter 169.

12 b. The execution of an agreement with a person intended to
13 be the permanent custodian of the dog or cat. The agreement
14 must provide that the custodian shall have the dog or cat
15 sterilized by a veterinarian licensed pursuant to chapter 169.

16 2. The sterilization agreement may be on a form which
17 shall be prescribed by the department. The sterilization must
18 be completed by one of the following applicable dates:

19 a. The thirtieth day following the date of transfer, if
20 the dog or cat is six months or older.

21 b. The thirtieth day following a specified date which is
22 estimated to be the date that the dog or cat becomes six
23 months old.

24 c. The thirtieth day following a date for sterilizing dogs
25 or cats less than six months old according to a written policy
26 established by the pound or animal shelter.

27 The pound or animal shelter may grant one or more
28 extensions of the period required for the completion of
29 sterilization, if each extension is based upon a written or
30 verbal recommendation by a licensed veterinarian stating that
31 the health or life of the dog or cat may be jeopardized by the
32 procedure. A pound or animal shelter shall maintain records
33 relating to the transfer of ownership and the sterilization of
34 an animal for a period of at least one year from the date of
35 transfer.

1 3. The sterilization agreement must contain all of the
2 following information:

3 a. The date that the agreement is executed.

4 b. The name and address of the pound or animal shelter and
5 the person to whom custody is being transferred.

6 c. A description of the dog or cat subject to the
7 transfer.

8 d. A statement printed in at least ten point boldface type
9 stating the following:

10 (1) Sterilization of the animal is required pursuant to
11 Iowa Code section 162.20.

12 (2) Ownership of the dog or cat is conditioned upon the
13 satisfaction of the terms of the agreement.

14 (3) Failure to satisfy the terms of the agreement
15 constitutes a breach of contract, requiring the return of the
16 dog or cat.

17 (4) A person failing to satisfy the sterilization
18 provisions of the agreement is guilty of a simple misdemeanor.

19 e. A date by which sterilization must be completed
20 pursuant to this agreement and Iowa Code section 162.20.

21 f. The signatures of the person receiving custody and the
22 representative of the pound or animal shelter transferring
23 custody.

24 The pound or animal shelter may require that a person to
25 whom a dog or cat is being transferred submit a refundable
26 deposit for purposes of ensuring that the sterilization is
27 performed. The pound or animal shelter may apply the deposit
28 toward the cost of sterilization performed under the direction
29 of the pound or animal shelter, or may hold the deposit in
30 order to ensure that the terms of the agreement are satisfied.
31 The amount of the deposit shall not exceed thirty-five
32 dollars. The deposit or remaining part of the deposit shall
33 be refunded to the person within sixty days following
34 confirmation that the sterilization has been completed. If
35 the person does not claim the deposit amount subject to refund

1 within sixty days following the confirmation, the amount shall
2 be deemed abandoned and may be retained by the pound or animal
3 shelter for purposes of administering this section. The
4 person may claim the refund amount either personally or by
5 providing a self-addressed stamped envelope to the pound or
6 animal shelter. The pound or animal shelter shall not assume
7 costs related to the sterilization, unless otherwise provided
8 in the agreement.

9 4. A pound or animal shelter shall transfer ownership of a
10 dog or cat, conditioned upon the confirmation that the
11 sterilization has been completed by the licensed veterinarian
12 who performed the procedure. The confirmation must be
13 communicated by the attending veterinarian. The communication
14 shall be transmitted in writing and signed by the
15 veterinarian, or verbally, and recorded by the pound or animal
16 shelter.

17 5. A pound or animal shelter shall verify that the person
18 to whom the dog or cat is being transferred has complied with
19 the provisions of the sterilization agreement. The
20 verification shall occur within thirty days following the date
21 for sterilization established in the agreement.

22 6. a. A failure to satisfy the terms of the sterilization
23 provisions of the agreement shall constitute a breach of
24 contract, and the person executing the agreement shall be
25 responsible for the return of the dog or cat upon demand by
26 the pound or animal shelter. The person shall return the dog
27 or cat within twenty-four hours following receipt of a demand
28 letter which shall be delivered by the pound or animal shelter
29 personally or by certified mail. A person who does not comply
30 with the sterilization provisions of the agreement or who
31 fails to deliver the dog or cat is guilty of a simple
32 misdemeanor.

33 b. A pound or animal shelter which knowingly fails to
34 provide for the sterilization of a dog or cat is subject to a
35 civil penalty of up to two hundred dollars. The department

1 may enforce and collect civil penalties according to rules
2 which shall be adopted by the department. Each violation
3 shall constitute a separate offense. Moneys collected from
4 civil penalties shall be deposited into the general fund of
5 the state. Upon the third offense, the department may suspend
6 or revoke a certificate of registration issued to the pound or
7 animal shelter pursuant to this chapter. The department may
8 bring an action in district court to enjoin a pound or animal
9 shelter from transferring animals in violation of this
10 section. In bringing the action, the department shall not be
11 required to allege facts necessary to show, or tending to
12 show, a lack of adequate remedy at law, that irreparable
13 damage or loss will result if the action is brought at law or
14 that unique or special circumstances exist.

15 7. This section shall not apply to the following:

16 a. The return of a dog or cat to its owner by a pound or
17 animal shelter.

18 b. The transfer of a dog or cat by a pound or animal
19 shelter which has obtained an enforcement waiver issued by the
20 department. The pound or shelter may apply for an annual
21 waiver each year as provided by rules adopted by the
22 department. The department shall grant a waiver, if it
23 determines that the pound or animal shelter is subject to an
24 ordinance by a city or county which includes stricter
25 requirements than provided in this section. The department
26 shall not charge more than ten dollars as a waiver application
27 fee. The fees collected by the department shall be deposited
28 in the general fund of the state.

29 EXPLANATION

30 This bill provides that a dog or cat shall not be
31 transferred by sale or adoption by a pound or animal shelter,
32 unless the dog or cat is subject to sterilization. The pound
33 or animal shelter must not relinquish custody until it
34 provides for sterilization or the execution of an agreement
35 with a person intended to be the permanent custodian of the

1 dog or cat. The bill provides a date by which the
2 sterilization must be completed. It provides for the terms of
3 the agreement. It provides that the pound or animal shelter
4 require a deposit for ensuring that the sterilization is
5 performed. A pound or animal shelter must verify that the
6 person being transferred the dog or cat has complied with the
7 provisions of the sterilization agreement. A failure to
8 satisfy the terms of the sterilization agreement constitutes a
9 breach of contract, and the person executing the agreement
10 must return the dog or cat upon demand by the pound or animal
11 shelter. A person who does not comply with the terms of a
12 sterilization agreement or who fails to deliver the dog or cat
13 is guilty of a simple misdemeanor. A pound or animal shelter
14 which fails to provide for the sterilization of a dog or cat
15 is subject to a civil penalty of up to \$200. Upon the third
16 offense, the department may suspend or revoke a certificate of
17 registration issued to a pound or animal shelter. The
18 department shall grant an enforcement waiver, if it determines
19 that the pound or animal shelter is subject to an ordinance by
20 a city or county which includes stricter requirements than
21 provided in the bill. The department cannot charge more than
22 \$10 as a waiver application fee.

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3-15-93 Senate Agreement
7-12-93 (Ways & Means) Senate Report
4-14-93 Senate - Do Pass
HOUSE FILE 136
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 15)

(As Amended and Passed by the House March 10, 1993)

Passed House, Date 4/29/93 (P. 1809) Passed Senate, Date 4/27/93 (p. 1366)
Vote: Ayes 100 Nays 0 Vote: Ayes 49 Nays 0
Approved May 14, 1993

A BILL FOR

1 An Act relating to the care of dogs and cats transferred by
2 animal care facilities, authorizing fees and providing
3 penalties.

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

5
6 House Amendments _____

HOUSE FILE 136

7
8 S-3439

9 1 Amend House File 136, as amended, passed, and
10 2 reprinted by the House, as follows:

11 3 1. By striking page 1, line 8, through page 3,
12 4 line 33, and inserting the following: "of a serum.
13 5 _____. A pound or animal shelter which knowingly
14 6 fails to".

15 7 2. By renumbering as necessary.

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Lost 4/22/93 (P. 1302) By BERL E. PRIEBE
S-3439 FILED APRIL 8, 1993 (P. 1308) Motion to R/C (P. 1308)
out of order (p. 1366)

1 Section 1. NEW SECTION. 162.20 STERILIZATION.

2 1. A pound or animal shelter shall not transfer ownership
3 of a dog or cat by sale or adoption, unless the dog or cat is
4 subject to sterilization. The sterilization shall involve a
5 procedure which permanently destroys the capacity of a dog or
6 cat to reproduce, either by the surgical removal or alteration
7 of its reproductive organs, or by the injection or ingestion
8 of a serum. The pound or animal shelter shall not relinquish
9 custody until it provides for one of the following:

10 a. Sterilization performed by a veterinarian licensed
11 pursuant to chapter 169.

12 b. The execution of an agreement with a person intended to
13 be the permanent custodian of the dog or cat. The agreement
14 must provide that the custodian shall have the dog or cat
15 sterilized by a veterinarian licensed pursuant to chapter 169.

16 2. The sterilization agreement may be on a form which
17 shall be prescribed by the department. The sterilization must
18 be completed by one of the following applicable dates:

19 a. The thirtieth day following the date of transfer, if
20 the dog or cat is six months or older.

21 b. The thirtieth day following a specified date which is
22 estimated to be the date that the dog or cat becomes six
23 months old.

24 c. The thirtieth day following a date for sterilizing dogs
25 or cats less than six months old according to a written policy
26 established by the pound or animal shelter.

27 The pound or animal shelter may grant one or more
28 extensions of the period required for the completion of
29 sterilization, if each extension is based upon a written or
30 verbal recommendation by a licensed veterinarian stating that
31 the health or life of the dog or cat may be jeopardized by the
32 procedure. A pound or animal shelter shall maintain records
33 relating to the transfer of ownership and the sterilization of
34 an animal for a period of at least one year from the date of
35 transfer.

1 3. The sterilization agreement must contain all of the
2 following information:

3 a. The date that the agreement is executed.

4 b. The name and address of the pound or animal shelter and
5 the person to whom custody is being transferred.

6 c. A description of the dog or cat subject to the
7 transfer.

8 d. A statement printed in at least ten point boldface type
9 stating the following:

10 (1) Sterilization of the animal is required pursuant to
11 Iowa Code section 162.20.

12 (2) Ownership of the dog or cat is conditioned upon the
13 satisfaction of the terms of the agreement.

14 (3) Failure to satisfy the terms of the agreement
15 constitutes a breach of contract, requiring the return of the
16 dog or cat.

17 (4) A person failing to satisfy the sterilization
18 provisions of the agreement is guilty of a simple misdemeanor.

19 e. A date by which sterilization must be completed
20 pursuant to this agreement and Iowa Code section 162.20.

21 f. The signatures of the person receiving custody and the
22 representative of the pound or animal shelter transferring
23 custody.

24 The pound or animal shelter may require that a person to
25 whom a dog or cat is being transferred submit a refundable
26 deposit for purposes of ensuring that the sterilization is
27 performed. The pound or animal shelter may apply the deposit
28 toward the cost of sterilization performed under the direction
29 of the pound or animal shelter, or may hold the deposit in
30 order to ensure that the terms of the agreement are satisfied.
31 The amount of the deposit shall not exceed thirty-five
32 dollars. The deposit or remaining part of the deposit shall
33 be refunded to the person within sixty days following
34 confirmation that the sterilization has been completed. If
35 the person does not claim the deposit amount subject to refund

1 within sixty days following the confirmation, the amount shall
2 be deemed abandoned and may be retained by the pound or animal
3 shelter for purposes of administering this section. The
4 person may claim the refund amount either personally or by
5 providing a self-addressed stamped envelope to the pound or
6 animal shelter. The pound or animal shelter shall not assume
7 costs related to the sterilization, unless otherwise provided
8 in the agreement.

9 4. A pound or animal shelter shall transfer ownership of a
10 dog or cat, conditioned upon the confirmation that the
11 sterilization has been completed by the licensed veterinarian
12 who performed the procedure. The confirmation must be
13 communicated by the attending veterinarian. The communication
14 shall be transmitted in writing and signed by the
15 veterinarian, or verbally, and recorded by the pound or animal
16 shelter.

17 5. A pound or animal shelter shall verify that the person
18 to whom the dog or cat is being transferred has complied with
19 the provisions of the sterilization agreement. The
20 verification shall occur within thirty days following the date
21 for sterilization established in the agreement.

22 6. a. A failure to satisfy the terms of the sterilization
23 provisions of the agreement shall constitute a breach of
24 contract, and the person executing the agreement shall be
25 responsible for the return of the dog or cat upon demand by
26 the pound or animal shelter. The person shall return the dog
27 or cat within twenty-four hours following receipt of a demand
28 letter which shall be delivered by the pound or animal shelter
29 personally or by certified mail. A person who does not comply
30 with the sterilization provisions of the agreement or who
31 fails to deliver the dog or cat is guilty of a simple
32 misdemeanor.

33 b. A pound or animal shelter which knowingly fails to
34 provide for the sterilization of a dog or cat is subject to a
35 civil penalty of up to two hundred dollars. The department

1 may enforce and collect civil penalties according to rules
2 which shall be adopted by the department. Each violation
3 shall constitute a separate offense. Moneys collected from
4 civil penalties shall be deposited into the general fund of
5 the state. Upon the third offense, the department may suspend
6 or revoke a certificate of registration issued to the pound or
7 animal shelter pursuant to this chapter. The department may
8 bring an action in district court to enjoin a pound or animal
9 shelter from transferring animals in violation of this
10 section. In bringing the action, the department shall not be
11 required to allege facts necessary to show, or tending to
12 show, a lack of adequate remedy at law, that irreparable
13 damage or loss will result if the action is brought at law or
14 that unique or special circumstances exist.

15 7. This section shall not apply to the following:

16 a. The return of a dog or cat to its owner by a pound or
17 animal shelter.

18 b. The transfer of a dog or cat by a pound or animal
19 shelter which has obtained an enforcement waiver issued by the
20 department. The pound or shelter may apply for an annual
21 waiver each year as provided by rules adopted by the
22 department. The department shall grant a waiver, if it
23 determines that the pound or animal shelter is subject to an
24 ordinance by a city or county which includes stricter
25 requirements than provided in this section. The department
26 shall not charge more than ten dollars as a waiver application
27 fee. The fees collected by the department shall be deposited
28 in the general fund of the state.

29 c. The transfer of a dog or cat to an institution as
30 defined in section 145B.1, a research facility as defined in
31 section 162.2, or a person licensed by the United States
32 department of agriculture as a class B dealer pursuant to 9
33 C.F.R. subchapter A, part 2. However, a class B dealer who
34 receives an unsterilized dog or cat from a pound or animal
35 shelter shall either sterilize the dog or cat or transfer the

1 unsterilized dog or cat to an institution or research facility
2 provided in this paragraph.

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SENATE AMENDMENT TO HOUSE FILE 136

H-4215

1 Amend House File 136, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 16 through page 3,
4 line 33, and inserting the following:

5 "_____. The pound or animal shelter maintaining
6 custody of the dog or cat may require that a person
7 being transferred ownership of the dog or cat
8 reimburse the pound or animal shelter for the amount
9 in expenses incurred by the pound or animal shelter in
10 sterilizing the dog or cat, if the dog or cat is
11 sterilized prior to the transfer of ownership of the
12 dog or cat to the person.

13 _____. a. The sterilization agreement may be on a
14 form which shall be prescribed by the department. The
15 agreement shall contain the signature and address of
16 the person receiving custody of the dog or cat, and
17 the signature of the representative of the pound or
18 animal shelter.

19 b. The sterilization shall be completed as soon as
20 practicable, but prior to the transfer of the
21 ownership of the dog or cat by the pound or animal
22 shelter. The pound or animal shelter may grant an
23 extension of the period required for the completion of
24 the sterilization if the extension is based on a
25 reasonable determination by a licensed veterinarian.

26 c. A pound or animal shelter shall transfer
27 ownership of a dog or cat, conditioned upon the
28 confirmation that the sterilization has been completed
29 by a licensed veterinarian who performed the
30 procedure. The confirmation shall be a receipt
31 furnished by the office of the attending veterinarian.

32 d. A person who fails to satisfy the terms of the
33 sterilization agreement shall return the dog or cat
34 within twenty-four hours following receipt of a demand
35 letter which shall be delivered to the person by the
36 pound or animal shelter personally or by certified
37 mail.

38 _____. a. A person who does not comply with the
39 provisions of a sterilization agreement is guilty of a
40 simple misdemeanor.

41 b. A person who fails to return a dog or cat upon
42 receipt of a demand letter is guilty of a simple
43 misdemeanor.

44 c. A pound or animal shelter which knowingly fails
45 to".

46 2. Page 4, line 5, by inserting after the word
47 "state" the following: "and are appropriated on July
48 1 of each year in equal amounts to each track licensed
49 to race dogs to support the racing dog adoption
50 program as provided in section 99D.27".

H-4215

H-4215

Page 2

- 1 3. Page 5, line 2, by inserting after the word
2 "paragraph." the following: "The class B dealer shall
3 not transfer a dog to an institution or research
4 facility, if the dog is a greyhound registered with
5 the national greyhound association and the dog raced
6 at a track associated with pari-mutuel racing, unless
7 the class B dealer receives written approval of the
8 transfer from a person who owned an interest in the
9 dog while the dog was racing."
10 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4215 FILED APRIL 27, 1993

*Have Checked
4-29-93
(P. 1809)*

HOUSE FILE 136

S-3641

1 Amend House File 136, as amended, passed, and
2 reprinted by the House, as follows:

B 3 1. By striking page 1, line 16 through page 3,
4 line 33, and inserting the following:
5 " _____. The pound or animal shelter maintaining
6 custody of the dog or cat may require that a person
7 being transferred ownership of the dog or cat
8 reimburse the pound or animal shelter for the amount
9 in expenses incurred by the pound or animal shelter in
10 sterilizing the dog or cat, if the dog or cat is
11 sterilized prior to the transfer of ownership of the
12 dog or cat to the person.

13 _____. a. The sterilization agreement may be on a
14 form which shall be prescribed by the department. The
15 agreement shall contain the signature and address of
16 the person receiving custody of the dog or cat, and
17 the signature of the representative of the pound or
18 animal shelter.

19 b. The sterilization shall be completed as soon as
20 practicable, but prior to the transfer of the
21 ownership of the dog or cat by the pound or animal
22 shelter. The pound or animal shelter may grant an
23 extension of the period required for the completion of
24 the sterilization if the extension is based on a
25 reasonable determination by a licensed veterinarian.

26 c. A pound or animal shelter shall transfer
27 ownership of a dog or cat, conditioned upon the
28 confirmation that the sterilization has been completed
29 by a licensed veterinarian who performed the
30 procedure. The confirmation shall be a receipt
31 furnished by the office of the attending veterinarian.

32 d. A person who fails to satisfy the terms of the
33 sterilization agreement shall return the dog or cat
34 within twenty-four hours following receipt of a demand
35 letter which shall be delivered to the person by the
36 pound or animal shelter personally or by certified
37 mail.

38 _____. a. A person who does not comply with the
39 provisions of a sterilization agreement is guilty of a
40 simple misdemeanor.

41 b. A person who fails to return a dog or cat upon
42 receipt of a demand letter is guilty of a simple
43 misdemeanor.

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47 "state" the following: "and are appropriated on July
48 1 of each year in equal amounts to each track licensed
49 to race dogs to support the racing dog adoption
50 program as provided in section 99D.27".

S-3641

-1-

S-3641

Page 2

B 1 3. Page 5, line 2, by inserting after the word
2 "paragraph." the following: "The class B dealer shall
3 not transfer a dog to an institution or research
4 facility, if the dog is a greyhound registered with
5 the national greyhound association and the dog raced
6 at a track associated with pari-mutuel racing, unless
7 the class B dealer receives written approval of the
8 transfer from a person who owned an interest in the
9 dog while the dog was racing."

10 4. By renumbering as necessary.

By BERL E. PRIEBE

S-3641 FILED APRIL 27, 1993

DIV. A-ADOPTED, DIV. B-ADOPTED (p. 1365)

*Subcommittee
Dinkla ch.
Hauser
Bernau
Weigel
Klemme*

HSB 15
Agriculture

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON EDDIE)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the care of dogs and cats transferred by
2 animal care facilities, authorizing fees and providing
3 penalties.

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

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1 Section 1. NEW SECTION. 162.20 STERILIZATION.

2 1. A dog or cat shall not be transferred by sale or
3 adoption by a pound or animal shelter, unless the dog or cat
4 is subject to sterilization. The sterilization shall involve
5 a procedure which permanently destroys the capacity of a dog
6 or cat to reproduce, either by the surgical removal or
7 alteration of its reproductive organs, or by the injection or
8 ingestion of a serum approved by the department of agriculture
9 and land stewardship. The pound or animal shelter shall not
10 relinquish custody until it provides for one of the following:

11 a. Sterilization performed by a veterinarian licensed
12 pursuant to chapter 169.

13 b. The execution of an agreement with a person intended to
14 be the permanent custodian of the dog or cat. The agreement
15 must provide that the custodian shall have the dog or cat
16 sterilized by a veterinarian licensed pursuant to chapter 169.

17 2. The sterilization agreement may be on a form which
18 shall be prescribed by the department. The sterilization must
19 be completed by one of the following applicable dates:

20 a. The thirtieth day following the date of transfer, if
21 the dog or cat is six months or older.

22 b. The thirtieth day following a specified date which is
23 estimated to be the date that the dog or cat becomes six
24 months old.

25 c. The thirtieth day following a date for sterilizing dogs
26 or cats less than six months old according to a written policy
27 established by the pound or animal shelter.

28 The pound or animal shelter may grant one or more
29 extensions of the period required for the completion of
30 sterilization, if each extension is based upon a written or
31 verbal recommendation by a licensed veterinarian stating that
32 the health or life of the dog or cat may be jeopardized by the
33 procedure. A pound or animal shelter shall maintain records
34 relating to the transfer of animals and their sterilization
35 for a period of at least one year.

1 3. The sterilization agreement must contain all of the
2 following information:

3 a. The date that the agreement is executed.

4 b. The name and address of the pound or animal shelter and
5 the person to whom custody is being transferred.

6 c. A description of the dog or cat subject to the
7 transfer.

8 d. A statement printed in at least ten point boldface type
9 stating the following:

10 (1) Sterilization of the animal is required pursuant to
11 Iowa Code section 162.20.

12 (2) Ownership of the dog or cat is conditioned upon the
13 satisfaction of the terms of the agreement.

14 (3) Failure to satisfy the terms of the agreement
15 constitutes a breach of contract, requiring the return of the
16 dog or cat.

17 (4) A person failing to satisfy the sterilization
18 provisions of the agreement is guilty of a simple misdemeanor.

19 e. A date by which sterilization must be completed
20 pursuant to this agreement and Iowa Code section 162.20.

21 f. The signatures of the person receiving custody and the
22 representative of the pound or animal shelter transferring
23 custody.

24 The pound or animal shelter may require that a person to
25 whom a dog or cat is being transferred submit a refundable
26 deposit for purposes of ensuring that the terms of the
27 agreement are satisfied. The pound or animal shelter shall
28 not assume costs related to the sterilization, unless
29 otherwise provided in the agreement.

30 4. A pound or animal shelter shall transfer ownership of a
31 dog or cat, conditioned upon the confirmation that the
32 sterilization has been completed by the licensed veterinarian
33 who performed the procedure. The confirmation must be
34 communicated by the attending veterinarian. The communication
35 shall be transmitted in writing and signed by the

1 veterinarian, or verbally and recorded by the pound or animal
2 shelter.

3 5. A pound or animal shelter shall verify that the person
4 to whom the dog or cat is being transferred has complied with
5 the provisions of the sterilization agreement. The
6 verification shall occur within thirty days following the date
7 for sterilization established in the agreement.

8 6. a. A failure to satisfy the terms of the sterilization
9 provisions of the agreement shall constitute a breach of
10 contract, and the person executing the agreement shall be
11 responsible for the return of the dog or cat upon demand by
12 the pound or animal shelter. The person shall return the dog
13 or cat within twenty-four hours following receipt of a demand
14 letter which shall be delivered by the pound or animal shelter
15 personally or by certified mail. Each day that the person
16 fails to return the dog or cat constitutes a separate offense.
17 A person who does not comply with the sterilization provisions
18 of the agreement or who fails to deliver the dog or cat is
19 guilty of a simple misdemeanor.

20 b. A pound or animal shelter which fails to provide for
21 the sterilization of a dog or cat is subject to a civil
22 penalty of up to one thousand dollars. Each violation
23 constitutes a separate offense. The department may enforce
24 and collect civil penalties according to rules which shall be
25 adopted by the department. Each violation shall constitute a
26 separate offense. Moneys collected from civil penalties shall
27 be deposited into the general fund of the state. Upon the
28 third offense, the department may suspend or revoke a
29 certificate of registration issued to the pound or animal
30 shelter pursuant to this chapter. The department may bring an
31 action in district court to enjoin a pound or animal shelter
32 from transferring animals in violation of this section. In
33 bringing the action, the department shall not be required to
34 allege facts necessary to show, or tending to show, a lack of
35 adequate remedy at law, that irreparable damage or loss will

1 result if the action is brought at law or that unique or
2 special circumstances exist.

3 7. This section shall not apply to the following:

4 a. The transfer of a dog or cat being returned to its
5 owner by a pound or animal shelter.

6 b. The transfer of a dog or cat by a pound or animal
7 shelter which has obtained an enforcement waiver issued by the
8 department. The pound or shelter may apply for an annual
9 waiver each year as provided by rules adopted by the
10 department. The department shall grant a waiver, if it
11 determines that the pound or animal shelter is subject to an
12 ordinance by a city or county which includes stricter
13 requirements than provided in this section. The department
14 shall not charge more than ten dollars as a waiver application
15 fee.

16 EXPLANATION

17 This bill provides that a dog or cat shall not be
18 transferred by sale or adoption by a pound or animal shelter,
19 unless the dog or cat is subject to sterilization. The pound
20 or animal shelter must not relinquish custody until it
21 provides for sterilization or the execution of an agreement
22 with a person intended to be the permanent custodian of the
23 dog or cat. The bill provides a date by which the
24 sterilization must be completed. It provides for the terms of
25 the agreement. A pound or animal shelter must verify that the
26 person being transferred the dog or cat has complied with the
27 provisions of the sterilization agreement. A failure to
28 satisfy the terms of the sterilization agreement constitutes a
29 breach of contract, and the person executing the agreement
30 must return the dog or cat upon demand by the pound or animal
31 shelter. A person who does not comply with the terms of a
32 sterilization agreement or who fails to deliver the dog or cat
33 is guilty of a simple misdemeanor. A pound or animal shelter
34 which fails to provide for the sterilization of a dog or cat
35 is subject to a civil penalty of up to \$1,000. Upon the third

1 offense, the department may suspend or revoke a certificate of
2 registration issued to a pound or animal shelter. The
3 department shall grant an enforcement waiver, if it determines
4 that the pound or animal shelter is subject to an ordinance by
5 a city or county which includes stricter requirements than
6 provided in the bill. The department cannot charge more than
7 \$10 as a waiver application fee.

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HOUSE FILE 136

AN ACT

RELATING TO THE CARE OF DOGS AND CATS TRANSFERRED BY ANIMAL CARE FACILITIES, AUTHORIZING FEES AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 162.20 STERILIZATION.

1. A pound or animal shelter shall not transfer ownership of a dog or cat by sale or adoption, unless the dog or cat is subject to sterilization. The sterilization shall involve a procedure which permanently destroys the capacity of a dog or cat to reproduce, either by the surgical removal or alteration of its reproductive organs, or by the injection or ingestion of a serum. The pound or animal shelter shall not relinquish custody until it provides for one of the following:

- a. Sterilization performed by a veterinarian licensed pursuant to chapter 169.
- b. The execution of an agreement with a person intended to be the permanent custodian of the dog or cat. The agreement must provide that the custodian shall have the dog or cat sterilized by a veterinarian licensed pursuant to chapter 169.

2. The pound or animal shelter maintaining custody of the dog or cat may require that a person being transferred ownership of the dog or cat reimburse the pound or animal shelter for the amount in expenses incurred by the pound or animal shelter in sterilizing the dog or cat, if the dog or cat is sterilized prior to the transfer of ownership of the dog or cat to the person.

3. a. The sterilization agreement may be on a form which shall be prescribed by the department. The agreement shall contain the signature and address of the person receiving custody of the dog or cat, and the signature of the representative of the pound or animal shelter.

b. The sterilization shall be completed as soon as practicable, but prior to the transfer of the ownership of the dog or cat by the pound or animal shelter. The pound or animal shelter may grant an extension of the period required for the completion of the sterilization if the extension is based on a reasonable determination by a licensed veterinarian.

c. A pound or animal shelter shall transfer ownership of a dog or cat, conditioned upon the confirmation that the sterilization has been completed by a licensed veterinarian who performed the procedure. The confirmation shall be a receipt furnished by the office of the attending veterinarian.

d. A person who fails to satisfy the terms of the sterilization agreement shall return the dog or cat within twenty-four hours following receipt of a demand letter which shall be delivered to the person by the pound or animal shelter personally or by certified mail.

4. a. A person who does not comply with the provisions of a sterilization agreement is guilty of a simple misdemeanor.

b. A person who fails to return a dog or cat upon receipt of a demand letter is guilty of a simple misdemeanor.

c. A pound or animal shelter which knowingly fails to provide for the sterilization of a dog or cat is subject to a civil penalty of up to two hundred dollars. The department may enforce and collect civil penalties according to rules which shall be adopted by the department. Each violation shall constitute a separate offense. Moneys collected from civil penalties shall be deposited into the general fund of the state and are appropriated on July 1 of each year in equal amounts to each track licensed to race dogs to support the

racing dog adoption program as provided in section 99D.27. Upon the third offense, the department may suspend or revoke a certificate of registration issued to the pound or animal shelter pursuant to this chapter. The department may bring an action in district court to enjoin a pound or animal shelter from transferring animals in violation of this section. In bringing the action, the department shall not be required to allege facts necessary to show, or tending to show, a lack of adequate remedy at law, that irreparable damage or loss will result if the action is brought at law or that unique or special circumstances exist.

5. This section shall not apply to the following:

- a. The return of a dog or cat to its owner by a pound or animal shelter.
- b. The transfer of a dog or cat by a pound or animal shelter which has obtained an enforcement waiver issued by the department. The pound or shelter may apply for an annual waiver each year as provided by rules adopted by the department. The department shall grant a waiver, if it determines that the pound or animal shelter is subject to an ordinance by a city or county which includes stricter requirements than provided in this section. The department shall not charge more than ten dollars as a waiver application fee. The fees collected by the department shall be deposited in the general fund of the state.
- c. The transfer of a dog or cat to an institution as defined in section 145B.1, a research facility as defined in section 162.2, or a person licensed by the United States department of agriculture as a class B dealer pursuant to 9 C.F.R. subchapter A, part 2. However, a class B dealer who receives an unsterilized dog or cat from a pound or animal shelter shall either sterilize the dog or cat or transfer the unsterilized dog or cat to an institution or research facility provided in this paragraph. The class B dealer shall not transfer a dog to an institution or research facility, if the

dog is a greyhound registered with the national greyhound association and the dog raced at a track associated with pari-mutuel racing, unless the class B dealer receives written approval of the transfer from a person who owned an interest in the dog while the dog was racing.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 136, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 14, 1993

TERRY E. BRANSTAD
Governor