

SENATE FILE

2201

BY KREIMAN

(COMPANION TO LSB 6181HH  
BY SWAIM)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to dangerous animals, including by regulating the  
2 possession of those animals, requiring registration of the  
3 animals, and providing penalties.

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

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SF 2201  
JUDICIARY

1 Section 1. NEW SECTION. 717E.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. a. "Dangerous animal" means any of the following:

5 (1) A member of the felidae family of the order carnivora  
6 including, but not limited to, lions, tigers, cougars,  
7 leopards, cheetahs, ocelots, and servals. However, a  
8 dangerous animal does not include cats recognized as a  
9 domestic breed, including but not limited to cats shown as a  
10 domestic breed by a registry association recognized by the  
11 department.

12 (2) A member of the ursidae family of the order carnivora,  
13 including bears and pandas.

14 (3) A member of the order of primates other than humans,  
15 and including the following families: callitrichiadae,  
16 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,  
17 galagonidae, hominidae, hylobatidae, indridae, lemuridae,  
18 loridae, megaladapidae, or tarsiidae. A member includes but  
19 is not limited to marmosets, tamarins, monkeys, lemurs,  
20 galagos, bushbabies, great apes, gibbons, lesser apes, indris,  
21 sifakas, and tarsiers.

22 b. "Dangerous animal" includes an animal which is the  
23 offspring of an animal provided in paragraph "a", and another  
24 animal provided in that paragraph or any other animal. It  
25 also includes animals which are the offspring of each  
26 subsequent generation.

27 2. "Department" means the department of natural resources.

28 3. "Electronic identification device" means a device which  
29 when installed is designed to store information regarding an  
30 animal or the animal's owner in an electronic format which may  
31 be accessed by a computer for purposes of reading or  
32 manipulating the information.

33 4. "Possess" means to own, keep, or control an animal, or  
34 supervise or provide for the care and feeding of any animal,  
35 including any activity relating to confining, handling,

1 breeding, transporting, or exhibiting the animal.

2 5. "Wildlife sanctuary" means an organization exempt from  
3 taxation pursuant to section 501c of the Internal Revenue Code  
4 that operates a place of refuge where abused, neglected,  
5 unwanted, impounded, abandoned, orphaned, or displaced  
6 wildlife are provided care for their lifetime, if all of the  
7 following apply:

8 a. The organization does not buy, sell, trade, auction,  
9 lease, loan, or breed any animal of which the organization is  
10 an owner, except as an integral part of the species survival  
11 plan of the American zoo and aquarium association.

12 b. The organization is accredited by the American  
13 sanctuary association, the association of sanctuaries, or  
14 another similar association recognized by the department.

15 Sec. 2. NEW SECTION. 717E.2 RULEMAKING -- 28E AGREEMENTS  
16 -- ASSISTANCE OF ANIMAL WARDEN.

17 1. The department shall administer this chapter by doing  
18 all of the following:

19 a. Adopting rules as provided in chapter 17A for the  
20 administration and enforcement of this chapter.

21 b. Entering into agreements pursuant to chapter 28E as the  
22 department determines necessary for the administration and  
23 enforcement of this chapter.

24 2. An animal warden as defined in section 162.2 shall  
25 assist the department in seizing and maintaining custody of  
26 dangerous animals.

27 Sec. 3. NEW SECTION. 717E.3 POSSESSION OF A DANGEROUS  
28 ANIMAL -- PROHIBITIONS.

29 A person shall not do any of the following:

30 1. Possess a dangerous animal except as otherwise provided  
31 in this chapter.

32 2. Allow a dangerous animal in the person's possession to  
33 breed.

34 3. Transport a dangerous animal into this state.

35 Sec. 4. NEW SECTION. 717E.4 PERSONS POSSESSING DANGEROUS

1 ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.

2 A person who possesses a dangerous animal on the effective  
3 date of this Act may continue to possess the dangerous animal  
4 subject to all of the following:

5 1. If the person possesses the dangerous animal pursuant  
6 to a valid federal license or permit issued prior to the  
7 effective date of this Act, the person must maintain  
8 possession according to the terms of the license or permit.

9 2. The person shall care for the animal as required  
10 pursuant to the federal Animal Welfare Act, 7 U.S.C. § 2131 et  
11 seq., and regulations promulgated by the United States  
12 department of agriculture which apply to facilities and their  
13 operations, animal health and husbandry practices, and  
14 veterinary care.

15 3. Within sixty days after the effective date of this Act,  
16 the person must have an electronic identification device  
17 implanted beneath the skin or hide of the dangerous animal,  
18 unless a licensed veterinarian states in writing that the  
19 implantation would endanger the comfort or health of the  
20 dangerous animal. In such case, an electronic identification  
21 device may be otherwise attached to the dangerous animal.

22 4. Within sixty days after the effective date of this Act,  
23 the person must notify the department using a registration  
24 form prepared by the department. The registration form shall  
25 include all of the following information:

26 a. The person's name, address, and telephone number.

27 b. A complete inventory of each dangerous animal that the  
28 person possesses. The inventory shall include all of the  
29 following information:

30 (1) The number of dangerous animals in the person's  
31 possession according to species.

32 (2) The manufacturer and manufacturer's number of the  
33 electronic device implanted in or attached to each animal.

34 (3) The location where each dangerous animal is kept. A  
35 person who possesses a dangerous animal must notify the

1 department in writing within ten days of a change in address  
2 or location where the dangerous animal is kept.

3 (4) The approximate age, sex, color, weight, scars, and  
4 any distinguishing marks of each dangerous animal.

5 The department may charge a registration fee which shall  
6 not exceed five hundred dollars.

7 5. The person must maintain health and ownership records  
8 for each dangerous animal in the person's possession for the  
9 life of the animal.

10 6. The person shall confine the dangerous animal in a  
11 primary enclosure as defined in section 162.2 on the person's  
12 premises. The person shall not allow the dangerous animal  
13 outside of the person's premises where the dangerous animal is  
14 kept unless the dangerous animal is moved pursuant to any of  
15 the following:

16 a. A permit issued by the department.

17 b. To receive veterinary care from a licensed  
18 veterinarian.

19 c. To comply with the directions of the department or an  
20 animal warden.

21 7. The person shall display at least one sign on the  
22 person's premises where the dangerous animal is kept warning  
23 the public that the animal is confined there. The sign shall  
24 include a symbol warning children of the presence of the  
25 dangerous animal.

26 8. The person must immediately notify an animal warden or  
27 other local law enforcement official of any escape of a  
28 dangerous animal.

29 9. The person who possesses the dangerous animal is  
30 strictly liable for any damages or injury incurred by a person  
31 resulting from the dangerous animal.

32 10. If the person is no longer able to care for the  
33 animal, the person shall notify the department and find long-  
34 term placement for the dangerous animal with a wildlife  
35 sanctuary or institution accredited by the American zoo and

1 aquarium association.

2 Sec. 5. NEW SECTION. 717E.5 SEIZURE, CUSTODY, AND  
3 DISPOSAL OF DANGEROUS ANIMALS.

4 1. a. Except as provided in paragraph "b", the department  
5 shall seize a dangerous animal which is in the possession of a  
6 person if the person is not in compliance with the  
7 requirements of this chapter.

8 b. Upon request, the department may provide that the  
9 person retain possession of the dangerous animal for not more  
10 than ten days, upon conditions required by the department.  
11 During that period, the person shall take all necessary  
12 actions to comply with this chapter. The department shall  
13 inspect the premises where the dangerous animal is kept during  
14 reasonable times to ensure that the person is complying with  
15 the conditions.

16 2. If the person fails to comply with the conditions of  
17 the department at any time or is not in compliance with this  
18 chapter following the ten-day period, the department shall  
19 seize the dangerous animal.

20 a. The dangerous animal shall be considered to be a  
21 threatened animal which has been rescued as provided in  
22 chapter 717B. The court may authorize the return of the  
23 dangerous animal to the person from whom the animal was seized  
24 if the court finds all of the following:

25 (1) The person is capable of providing the care required  
26 for the dangerous animal.

27 (2) There is a substantial likelihood that the person will  
28 provide the care required for the dangerous animal.

29 (3) The dangerous animal has not been abused, neglected,  
30 or tortured, as provided in chapter 717B.

31 b. If the court orders a permanent disposition of the  
32 dangerous animal, the dangerous animal shall be subject to  
33 disposition as provided in section 717B.4 and the responsible  
34 party shall be assessed costs associated with its seizure,  
35 custody, and disposition as provided in that section. The

1 department may find long-term placement for the dangerous  
2 animal with a wildlife sanctuary or institution accredited by  
3 the American zoo and aquarium association.

4 Sec. 6. NEW SECTION. 717E.6 EXEMPTIONS.

5 This chapter does not apply to any of the following:

- 6 1. An institution accredited by the American zoo and  
7 aquarium association.
- 8 2. A wildlife sanctuary.
- 9 3. A circus that obtains a permit from the municipality in  
10 which it will be temporarily operating.
- 11 4. The state fair as provided in chapter 173 or a county  
12 or district fair as provided in chapter 174.
- 13 5. A location where an animal is maintained for  
14 educational or scientific purposes, including an institution  
15 as defined in section 145B.1, a research facility as defined  
16 in section 162.2, an exhibition, or a vehicle used to  
17 transport the animal.
- 18 6. A location operated by a person licensed to practice  
19 veterinary medicine pursuant to chapter 169.
- 20 7. A pound as defined in section 162.2.
- 21 8. An animal shelter as defined in section 162.2.

22 Sec. 7. NEW SECTION. 717E.7 PENALTY.

23 A person who violates this chapter is guilty of a serious  
24 misdemeanor.

25 EXPLANATION

26 This bill creates a new Code chapter 717E, which regulates  
27 the possession of dangerous animals which are defined to  
28 include lions, tigers, cougars, leopards, cheetahs, ocelots,  
29 servals, bears, pandas, and primates other than humans.

30 The department of natural resources is charged to  
31 administer the bill's provisions, although the department may  
32 execute 28E agreements with other government entities. The  
33 bill makes it a criminal offense to possess a dangerous  
34 animal, with certain exceptions, to allow a dangerous animal  
35 in the person's possession to breed, or to transport a

1 dangerous animal into this state.

2     The bill specifically allows a person to possess a  
3 dangerous animal if the person has possession of the dangerous  
4 animal on the effective date of the bill, but subject to  
5 certain conditions. The person must maintain the animal in  
6 compliance with the terms of a federal permit or license, and  
7 must otherwise comply with applicable federal law. The person  
8 must attach or install an electronic identification device to  
9 the dangerous animal or beneath its skin or hide. The person  
10 must also register with the department, and maintain health  
11 and ownership records. The bill also provides that the person  
12 must confine or move the animal according to a number of  
13 specifications designed to secure it from the public. The  
14 person is strictly liable for damages or injuries resulting  
15 from the actions of the dangerous animal.

16     The bill provides for the seizure, custody, and disposal of  
17 dangerous animals which are kept in violation of the bill's  
18 provisions. The department may allow the person in possession  
19 of the dangerous animal to correct the violation and keep the  
20 animal for 10 days but subject to conditions established by  
21 the department. If the person fails to comply with those  
22 conditions at any time or is not in compliance with the bill's  
23 provisions following the 10-day period, the department is  
24 required to seize the dangerous animal. The dangerous animal  
25 is considered a threatened animal in the same manner as  
26 provided in Code chapter 717B, which authorizes the rescue of  
27 animals other than livestock. It provides for notifying the  
28 owner of the animal of the seizure, provides for a court  
29 hearing to determine disposition, and requires that persons  
30 responsible for the animal pay costs associated with its  
31 custody and disposition. The bill provides that a court may  
32 order the return of the dangerous animal if it determines that  
33 the person is capable of providing for its care, that there is  
34 a substantial likelihood that the person will provide such  
35 care, and that the dangerous animal has not been abused,



1 neglected, or tortured, as provided in Code chapter 717B.

2 The bill exempts a number of persons and locations from the  
3 requirements of the bill, including an accredited zoo,  
4 wildlife sanctuary, circus, fair, research facility, licensed  
5 veterinarian, pound, or animal shelter.

6 A person who violates the bill's provisions is guilty of a  
7 serious misdemeanor. A serious misdemeanor is punishable by  
8 confinement for no more than one year and a fine of at least  
9 \$250 but not more than \$1,500.

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