

# House Study Bill 202

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON PAULSEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act limiting causes of action against veterinary practitioners  
2 who provide care to animals suffering distress.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2011YC 81  
5 da/gg/14

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1 1 Section 1. Section 169.3, Code 2005, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 14. "Veterinary practitioner" means any  
1 4 of the following:  
1 5 a. A veterinarian who may practice veterinary medicine  
1 6 pursuant to a valid license or temporary permit issued by the  
1 7 board pursuant to section 169.4.  
1 8 b. A professional corporation organized under chapter 496C  
1 9 which is owned and operated by one or more veterinarians  
1 10 practicing veterinary medicine pursuant to a valid license  
1 11 issued by the board pursuant to section 169.4.  
1 12 Sec. 2. Section 169.12, unnumbered paragraph 4, Code 2005,  
1 13 is amended to read as follows:  
1 14 Any licensee who is desirous of changing residence to  
1 15 another state or territory shall, upon application to the  
1 16 department and payment of the legal fee, receive a certified  
1 17 statement that the licensee is a duly licensed ~~practitioner~~ in  
1 18 this state.  
1 19 Sec. 3. NEW SECTION. 169.21 LIMITATION ON LIABILITY ==  
1 20 CARE OF ABUSED OR NEGLECTED ANIMAL.  
1 21 1. A veterinary practitioner shall not be liable for civil  
1 22 damages for an act or omission occurring when providing care  
1 23 to an animal as defined in section 717A.1, including any act  
1 24 or omission arising from the practice of veterinary medicine.  
1 25 The care must be provided in good faith and the act or  
1 26 omission must not constitute recklessness. In addition, one  
1 27 of the following conditions must apply:  
1 28 a. The animal is taken by a county or city, including as  
1 29 part of a rescue of livestock as provided in section 717.2A,  
1 30 for disposition pursuant to section 717.5, or as part of the  
1 31 rescue of another animal, for disposition pursuant to section  
1 32 717B.4.  
1 33 b. The animal is distressed by disease or injury that  
1 34 would result in severe and prolonged suffering. An animal's  
1 35 distress is conclusively presumed to result in severe and  
2 1 prolonged suffering if the animal is livestock which is abused  
2 2 or neglected as provided in chapter 717 or the animal is  
2 3 subject to abuse, neglect, or torture as provided in chapter  
2 4 717B. The veterinary practitioner must provide notice of the  
2 5 care to a peace officer of a county sheriff's office or police  
2 6 department which has jurisdiction to take the animal.  
2 7 2. A veterinary assistant shall not be liable for civil  
2 8 damages for an act or omission occurring when providing care  
2 9 to an animal, including any act or omission arising from the  
2 10 practice of veterinary medicine, if all of the following  
2 11 apply:  
2 12 a. The care is provided in good faith and the act or  
2 13 omission does not constitute recklessness.  
2 14 b. The act or omission is under the direction or  
2 15 supervision of a veterinary practitioner as provided in  
2 16 subsection 1.  
2 17 EXPLANATION  
2 18 This bill amends Code chapter 169, which governs veterinary

2 19 practice, including by regulating veterinarians who are  
2 20 required to be issued a license or temporary permit by the  
2 21 Iowa board of veterinary medicine. The bill refers to these  
2 22 persons as veterinary practitioners. The bill also provides  
2 23 that a veterinary practitioner includes a professional  
2 24 corporation owned and operated by veterinarians.  
2 25 The bill provides for the care of animals which are subject  
2 26 to unwarranted physical harm. Specifically, the bill creates  
2 27 a "good Samaritan" exception to a right to bring a civil  
2 28 action for damages. Under the bill, the exception bars a  
2 29 person from bringing a cause of action against a veterinary  
2 30 practitioner for an act or omission occurring when the  
2 31 veterinary practitioner provided care to an animal. Certain  
2 32 conditions apply. The care must be provided in good faith and  
2 33 the act or omission cannot constitute recklessness. Livestock  
2 34 or another domesticated animal must be taken by a county or  
2 35 city, including as part of a rescue under Code chapter 717 or  
3 1 717B. The animal must be distressed by disease or injury that  
3 2 would result in prolonged suffering. Alternatively, it is  
3 3 conclusively presumed that an animal is in distress if it is  
3 4 harmed in a manner that violates a provision in only those  
3 5 Code chapters providing for abuse, torture, or neglect. The  
3 6 veterinary practitioner must notify the appropriate county  
3 7 sheriff's office or police department.  
3 8 The bill also bars a civil action against a veterinary  
3 9 assistant for an act or omission occurring when providing care  
3 10 to the animal as long as the care is provided in good faith,  
3 11 the act or omission does not constitute recklessness, and the  
3 12 act or omission is under the direction or supervision of a  
3 13 veterinary practitioner.  
3 14 LSB 2011YC 81  
3 15 da:nh/gg/14