

Senate Study Bill 1196

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CO=CHAIRPERSONS HORN
and McKIBBEN)

Passed Senate, Date _____ Passed House, 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 2011XC 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.

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