

House File 547 - Introduced

HOUSE FILE _____
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 169)

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

A BILL FOR

1 An Act relating to animal pounds, by authorizing pounds to
2 provide for temporary placement, to refer to themselves as
3 animal shelters, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1588HV 82
6 da/es/88

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1 1 Section 1. Section 162.2, Code 2007, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 16A. "Temporary placement" means to
1 4 provide for the temporary housing and care of dogs or cats by
1 5 a temporary placement provider.
1 6 NEW SUBSECTION. 16B. "Temporary placement facility" means
1 7 the location where temporary placement is provided pursuant to
1 8 an affiliation and under the supervision of a person who owns
1 9 or operates a pound.
1 10 NEW SUBSECTION. 16C. "Temporary placement provider" means
1 11 a person who owns or operates a temporary placement facility.
1 12 Sec. 2. Section 162.3, Code 2007, is amended to read as
1 13 follows:
1 14 162.3 CERTIFICATE OF REGISTRATION FOR POUND.
1 15 1. A pound shall not be operated unless the department
1 16 issues a certificate of registration for the pound is granted
1 17 by the secretary to an eligible person. Application for the a
1 18 certificate of registration shall be made in the manner
1 19 approved by the secretary department. Certificates A
1 20 certificate of registration expire expires one year from date
1 21 of issue unless revoked and may be renewed upon application in
1 22 the manner provided by the secretary department.
1 23 2. A registered pound may engage in the sale of dogs or
1 24 cats under its control, if the privilege is allowed by the
1 25 department, but no a fee shall not be charged unless the
1 26 registered pound is privately owned. The registration fee for
1 27 a privately owned pound that sells dogs or cats is fifteen
1 28 dollars per year.
1 29 3. Nothing in this chapter prevents a registered pound
1 30 from designating itself as an animal shelter. However, the
1 31 department shall regulate the facility as a pound.
1 32 Sec. 3. NEW SECTION. 162.10A TEMPORARY PLACEMENT
1 33 PROVIDER.
1 34 A pound may provide for the temporary placement of dogs or
1 35 cats in a temporary placement facility, pursuant to rules
2 1 adopted by the department. A temporary placement provider
2 2 shall not sell dogs or cats, except as provided by the
2 3 department. The department may require that a temporary
2 4 placement provider be issued a certificate of registration by
2 5 the department in order to own or operate a temporary
2 6 placement facility. However, a fee shall not be imposed upon
2 7 the pound, temporary placement provider, or temporary
2 8 placement facility for the registration.
2 9 Sec. 4. Section 162.13, Code 2007, is amended to read as
2 10 follows:
2 11 162.13 PENALTIES.
2 12 1. a. Operation The operation of a pound, animal shelter,
2 13 pet shop, boarding kennel, commercial kennel, research
2 14 facility, or public auction, or dealing in dogs or cats, or
2 15 both, either as a dealer or a commercial breeder, without a
2 16 currently valid license or a certificate of registration is a
2 17 simple misdemeanor and each day of operation is a separate

2 18 offense.
2 19 b. The operation of a temporary placement facility without
2 20 a currently valid certificate of registration, if required in
2 21 section 162.10A, is a simple misdemeanor and each day of
2 22 operation is a separate offense.
2 23 2. The failure of any pound, temporary placement provider,
2 24 research facility, animal shelter, pet shop, boarding kennel,
2 25 commercial kennel, commercial breeder, public auction, or
2 26 dealer, to adequately house, feed, or water dogs, cats, or
2 27 vertebrate animals in the person's or facility's possession or
2 28 custody is a simple misdemeanor. The animals are subject to
2 29 seizure and impoundment and may be sold or destroyed as
2 30 provided by rules which shall be adopted by the department
2 31 pursuant to chapter 17A. The rules shall provide for the
2 32 destruction of an animal by a humane method, including by
2 33 euthanasia. The failure to meet the requirements of this
2 34 section is also cause for revocation or suspension of license
2 35 or registration after public hearing. The commission of an
3 1 act declared to be an unlawful practice under section 714.16
3 2 or prohibited under chapter 717 or 717B, by a person licensed
3 3 or registered under this chapter is cause for revocation or
3 4 suspension of the license or registration certificate.
3 5 3. Dogs, cats, and other vertebrates upon which euthanasia
3 6 is permitted by law may be destroyed by a person subject to
3 7 this chapter or chapter 169, by a humane method, including
3 8 euthanasia, as provided by rules which shall be adopted by the
3 9 department pursuant to chapter 17A.
3 10 4. It is unlawful for a dealer to knowingly ship a
3 11 diseased animal. A dealer violating this ~~paragraph~~ subsection
3 12 is subject to a fine not exceeding one hundred dollars. Each
3 13 diseased animal shipped in violation of this ~~paragraph~~
3 14 subsection is a separate offense.

3 15 EXPLANATION

3 16 This bill relates to pounds regulated by the department of
3 17 agriculture and land stewardship. A pound is a facility for
3 18 the prevention of cruelty to animals operated by the state or
3 19 a political subdivision such as a city (Code section 162.2).
3 20 The bill allows a pound to refer to itself as an animal
3 21 shelter, but does not alter its regulatory status. The bill
3 22 provides that a pound may arrange to provide for temporary
3 23 placement of dogs or cats by a person who is qualified as a
3 24 temporary placement provider (operating a temporary placement
3 25 facility), pursuant to rules adopted by the department. A
3 26 temporary placement provider is prohibited from selling the
3 27 dogs or cats, except as allowed by the department. The
3 28 department may require that the temporary placement provider
3 29 be issued a certificate of registration by the department,
3 30 similar to a pound or animal shelter. However, the bill
3 31 prohibits a fee being imposed upon a pound, temporary
3 32 placement provider, or temporary placement facility for such
3 33 registration.

3 34 Currently, a pound which fails to adequately care for an
3 35 animal is guilty of a simple misdemeanor pursuant to Code
4 1 section 162.13. A simple misdemeanor is punishable by
4 2 confinement for no more than 30 days or a fine of at least \$65
4 3 but not more than \$625 or by both. The bill provides that the
4 4 same penalty applies to a temporary placement provider.

4 5 LSB 1588HV 82

4 6 da:nh/es/88