

# Senate File 428 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 312)

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

## A BILL FOR

1 An Act providing for state and local planning for the rescue of  
2 support animals in times of public disorder or disaster.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1560SV 82  
5 da/je/5

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1 1 Section 1. NEW SECTION. 29D.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Disaster" means the same as defined in section 29C.2.  
1 5 2. "Division" means the homeland security and emergency  
1 6 management division created within the department of public  
1 7 defense as provided in section 29C.5.  
1 8 3. "Local emergency management agency" means the same as  
1 9 defined in section 29C.2.  
1 10 4. "Local support animal rescue plan" or "local plan"  
1 11 means the plan required to be formulated by the division as  
1 12 provided in section 29D.4.  
1 13 5. "Public disorder" means the same as defined in section  
1 14 29C.2.  
1 15 6. "State agency" means the same as defined in section  
1 16 8A.101.  
1 17 7. "State support animal rescue plan" or "state plan"  
1 18 means the plan required to be formulated by the division as  
1 19 provided in section 29D.3.  
1 20 8. "Support animal" means any of the following:  
1 21 a. An assistive animal as defined in section 216C.11.  
1 22 b. A pet as defined in section 717E.1.  
1 23 c. A service dog as defined in section 216C.11.  
1 24 d. A police service dog which is used by law enforcement  
1 25 authorities in keeping order, providing for search and rescue,  
1 26 or the prevention and detection of crime.  
1 27 Sec. 2. NEW SECTION. 29D.2 PLANNING COOPERATION AND  
1 28 CONSULTATION.  
1 29 The division and local emergency planning agencies shall  
1 30 cooperate to carry out their duties as provided in this  
1 31 chapter. The division and local emergency planning agencies  
1 32 shall consult with experts in the fields of animal sheltering,  
1 33 veterinary medicine, public health and safety, and other  
1 34 professional and technical personnel deemed appropriate.  
1 35 Sec. 3. NEW SECTION. 29D.3 HOMELAND SECURITY AND  
2 1 EMERGENCY MANAGEMENT DIVISION == STATE SUPPORT ANIMAL RESCUE  
2 2 PLAN.  
2 3 The division shall formulate a state support animal rescue  
2 4 plan which includes emergency operation plans for the humane  
2 5 evacuation, transport, and temporary sheltering of support  
2 6 animals in times of public disorder or disaster. The state  
2 7 plan shall do all of the following:  
2 8 1. Require that persons with disabilities who utilize  
2 9 assistive animals or service dogs are evacuated, transported,  
2 10 and sheltered with those assistive animals or service dogs.  
2 11 2. Identify or establish a sufficient number of support  
2 12 animal evacuation shelters that are in close proximity to a  
2 13 human sheltering facility designed and equipped to accept and  
2 14 temporarily house pets or police service dogs. The division  
2 15 shall develop guidelines for support animal evacuation  
2 16 shelters which may include standards or criteria for admission  
2 17 to such shelters, health and safety standards, protocols, and

2 18 procedures for ensuring adequate sheltering, management, and  
2 19 veterinary staffing for support animal evacuation shelters.

2 20 3. Enable, wherever possible, joint pet-owner evacuation  
2 21 for disabled, elderly, and persons having special needs, and  
2 22 all other persons whenever such evacuations can be  
2 23 accomplished without endangering human life.

2 24 4. Establish an identification system to ensure that pet  
2 25 owners who are separated from their pets during an evacuation  
2 26 are provided with all information necessary to locate and  
2 27 reclaim their pets. In establishing the identification  
2 28 system, the division shall provide for a tracking number  
2 29 system.

2 30 5. Provide for the safe and secure confinement of pets in  
2 31 cages or carriers that are specifically designed for the  
2 32 containment and transport of pets, including by public  
2 33 transportation during an impending disaster or public  
2 34 disorder, when doing so does not endanger human life. If pets  
2 35 are not allowed to use public transportation, the division  
3 1 shall provide for separate transportation for a pet to a  
3 2 support animal evacuation shelter in closest proximity to the  
3 3 human sheltering facility in which the pet's owner or  
3 4 custodian is temporarily housed when that location is known.  
3 5 If the location of the owner or custodian is not known, the  
3 6 division shall provide transportation to the nearest support  
3 7 animal evacuation shelter.

3 8 6. Direct animal shelters, humane societies, veterinary  
3 9 offices, boarding kennels, breeders, grooming facilities,  
3 10 animal hospitals, schools, animal testing facilities, and any  
3 11 other businesses or not-for-profit agencies that normally  
3 12 house support animals to create evacuation plans for support  
3 13 animals consistent with the provisions of this section. The  
3 14 plans shall be made available to the public upon request and  
3 15 shall be filed annually with the division and with the  
3 16 appropriate local emergency management agency.

3 17 7. Provide for a public information program to provide  
3 18 guidance to owners and custodians of support animals to  
3 19 formulate evacuation plans for their support animals, inform  
3 20 owners or custodians of resources available to assist them  
3 21 during an evacuation, and apprise such owners or custodians of  
3 22 the location and other relevant guidelines for support animal  
3 23 evacuation shelters in their area.

3 24 Sec. 4. NEW SECTION. 29D.4 LOCAL EMERGENCY MANAGEMENT  
3 25 AGENCY == LOCAL SUPPORT ANIMAL RESCUE PLAN.

3 26 A local emergency management agency shall formulate a local  
3 27 support animal rescue plan which includes emergency operation  
3 28 plans for the humane evacuation, transport, and temporary  
3 29 sheltering of support animals in times of public disorder or  
3 30 disaster in a manner that complements the state support animal  
3 31 rescue plan, as required by the division.

3 32 Sec. 5. NEW SECTION. 29D.5 ASSIGNMENT OR DELEGATION.

3 33 1. The division may act directly or through an authorized  
3 34 assignment to another state agency in order to carry out its  
3 35 duties as provided in this chapter.

4 1 2. A local emergency management agency may delegate its  
4 2 powers and duties provided in this chapter to another person  
4 3 who shall act as a local authority responsible for carrying  
4 4 out this chapter in the local area. The person delegated  
4 5 authority under this section must have expertise in the areas  
4 6 of animal control, animal sheltering, or animal care. The  
4 7 local emergency management agency shall notify the division of  
4 8 the delegation as required by the division.

4 9 Sec. 6. NEW SECTION. 29D.6 LIMITATION OF LIABILITY.

4 10 A person holding a legal interest in real estate including  
4 11 fixtures, and who voluntarily and without compensation allows  
4 12 the division or a local emergency management agency to use the  
4 13 real estate for purposes of sheltering support animals during  
4 14 an actual, impending, or practice public disorder or disaster,  
4 15 shall not be liable for the death of, or injury to, any person  
4 16 or support animal which occurs on the real estate unless the  
4 17 death or injury is the proximate cause of an intentional act  
4 18 or gross negligence of the person holding a legal interest in  
4 19 the real estate.

4 20 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
4 21 3, shall not apply to this Act.

#### 4 22 EXPLANATION

4 23 This bill relates to support animals which are animals  
4 24 other than livestock (assistive animals, pets, service dogs,  
4 25 police service dogs). The bill requires that the homeland  
4 26 security and emergency management division within the  
4 27 department of public defense and local emergency management  
4 28 agencies cooperate in order to formulate state and local plans

4 29 for the humane evacuation, transport, and temporary sheltering  
4 30 of support animals in times of public disorder or disaster.  
4 31 The plan must provide for the rescue of support animals with  
4 32 their owners or custodians when possible, sheltering support  
4 33 animals, and reuniting support animals with their owners or  
4 34 custodians. The plans must provide for the safe and secure  
4 35 confinement of pets in cages or carriers that are specifically  
5 1 designed for the containment and transport of pets, including  
5 2 by public transportation during an impending disaster or  
5 3 public disorder, when doing so does not endanger human life.  
5 4 The planning must provide for the involvement of businesses  
5 5 involved in keeping and caring for animals. The bill also  
5 6 provides for the dissemination of information to the public  
5 7 regarding available resources.

5 8 The bill provides that the division may act directly or  
5 9 through an authorized assignment to another state agency. The  
5 10 bill provides that a local emergency management agency may  
5 11 delegate its powers and duties provided in this Code chapter  
5 12 to another person who shall act as a local authority  
5 13 responsible for carrying out its functions in the local area.

5 14 The bill also provides that a person who holds an interest  
5 15 in real estate who voluntarily and without compensation allows  
5 16 the division or local agency to use the real estate for  
5 17 purposes of sheltering support animals during an actual,  
5 18 impending, or practice public disorder or disaster is not  
5 19 liable for accidents which occur on the real estate so long as  
5 20 the accident was not the result of an intentional act or of  
5 21 gross negligence.

5 22 The bill may include a state mandate as defined in Code  
5 23 section 25B.3. The bill makes inapplicable Code section  
5 24 25B.2, subsection 3, which would relieve a political  
5 25 subdivision from complying with a state mandate if funding for  
5 26 the cost of the state mandate is not provided or specified.  
5 27 Therefore, political subdivisions are required to comply with  
5 28 any state mandate included in the bill.

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5 30 da:rj/je/5