

House Study Bill 575 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MASCHER)

A BILL FOR

1 An Act providing for the regulation of commercial
2 establishments required to be certified to keep certain
3 pets, including by providing for regulation, the imposition
4 of fees, and an appropriation.

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

1 Section 1. Section 162.2, Code Supplement 2009, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 8A. "*Department*" means the department of
4 agriculture and land stewardship.

5 Sec. 2. Section 162.6, Code 2009, is amended to read as
6 follows:

7 **162.6 Commercial kennel or public auction license.**

8 A person shall not operate a commercial kennel or public
9 auction unless the person has obtained a license to operate a
10 commercial kennel or a public auction issued by the secretary
11 or unless the person has obtained a certificate of registration
12 issued by the secretary if the kennel is federally licensed.
13 Application for the license or the certificate shall be made
14 in the manner provided by the secretary. The license and the
15 certificate expire one year from date of issue unless revoked.
16 The license fee is forty dollars per year and the certification
17 fee is ~~twenty~~ one hundred dollars annually. If the person
18 has obtained a federal license, the person need only obtain a
19 certificate. The license may be renewed upon application and
20 payment of the prescribed fee in the manner provided by the
21 secretary if the licensee has conformed to all statutory and
22 regulatory requirements. The certificate may be renewed upon
23 application and payment of the prescribed fee in the manner
24 provided by the secretary. A person who cares for Iowa whelped
25 dogs regulated under section 99D.22 is exempt from paying the
26 certification fee.

27 Sec. 3. Section 162.7, Code 2009, is amended to read as
28 follows:

29 **162.7 Dealer license.**

30 A person shall not operate as a dealer unless the person
31 has obtained a license issued by the secretary or unless the
32 person has obtained a certificate of registration issued by the
33 secretary if the kennel is federally licensed. Application
34 for the license or the certificate shall be made in the manner
35 provided by the secretary. The license and certificate expire

1 one year from date of issue unless revoked. The license fee
2 is one hundred dollars per year and the certification fee
3 is ~~twenty~~ one hundred dollars per year. The license may be
4 renewed upon application and payment of the fee in the manner
5 provided by the secretary if the licensee has conformed to all
6 statutory and regulatory requirements. The certificate may be
7 renewed upon application and payment of the fee in the manner
8 provided by the secretary. A person who cares for Iowa whelped
9 dogs regulated under section 99D.22 is exempt from paying the
10 certification fee.

11 Sec. 4. Section 162.8, Code 2009, is amended to read as
12 follows:

13 **162.8 Commercial breeder's license.**

14 A person shall not operate as a commercial breeder unless
15 the person has obtained a license issued by the secretary or
16 unless the person has obtained a certificate of registration
17 issued by the secretary if the kennel is federally licensed.
18 Application for the license or the certificate shall be made in
19 the manner provided by the secretary. The annual license or
20 the certification period expires one year from date of issue.
21 The license fee is forty dollars per year and the certificate
22 fee is ~~twenty~~ one hundred dollars per year. The license may
23 be renewed upon application and payment of the prescribed fee
24 in the manner provided by the secretary if the licensee has
25 conformed to all statutory and regulatory requirements. The
26 certificate may be renewed upon application and payment of the
27 prescribed fee in the manner provided by the secretary. A
28 person who cares for Iowa whelped dogs regulated under section
29 99D.22 is exempt from paying the certification fee.

30 Sec. 5. Section 162.11, subsection 2, Code 2009, is amended
31 by striking the subsection.

32 Sec. 6. Section 162.12, Code 2009, is amended to read as
33 follows:

34 ~~162.12 Denial or revocation of license or registration~~
35 Regulation.

1 1. The department shall provide for the regulation of a
2 person who applies for or has been issued a certificate of
3 registration as a commercial kennel or public auction pursuant
4 to section 162.6, a dealer pursuant to section 162.7, or a
5 commercial breeder under section 162.8.

6 2. A certificate of registration may be denied to any pound
7 or animal shelter and a license or certificate of registration
8 may be denied to any public auction, boarding kennel,
9 commercial kennel, research facility, pet shop, commercial
10 breeder, or dealer, or an existing certificate or license may
11 be revoked by the secretary if, after public hearing, it is
12 determined that the housing facilities or primary enclosures
13 are inadequate under this chapter or if the feeding, watering,
14 cleaning, and housing practices at the pound, animal shelter,
15 public auction, pet shop, boarding kennel, commercial kennel,
16 research facility, or those practices by the commercial breeder
17 or dealer, are not in compliance with this chapter or with the
18 rules adopted pursuant to this chapter. The premises of each
19 licensee or certificate holder shall be open for inspection
20 during normal business hours.

21 Sec. 7. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP —
22 REGULATION OF COMMERCIAL ESTABLISHMENTS. There is appropriated
23 from the general fund of the state to the department of
24 agriculture and land stewardship for the fiscal year beginning
25 July 1, 2010, and ending June 30, 2011, the following amount,
26 or so much thereof as is necessary, to be used for the purposes
27 designated:

28 For purposes of supporting an inspector for the enforcement
29 of chapter 162, including salaries, support, maintenance,
30 miscellaneous purposes, and for not more than the following
31 full-time equivalent positions:

32	\$	100,000
33	FTEs	1.00

34 EXPLANATION

35 This bill amends a provision in Code chapter 162 authorizing

1 the department of agriculture and land stewardship to
2 regulate commercial establishments that care for dogs or
3 cats. Generally, a commercial establishment must obtain a
4 license or certificate of registration. The bill addresses
5 several types of commercial establishments that have obtained
6 a federal license in lieu of a state license. These include a
7 commercial kennel (Code section 162.6), public auction (Code
8 section 162.6), dealer (Code section 162.7), and commercial
9 breeder (Code section 162.8). A federally licensed commercial
10 establishment must still obtain a certificate of registration
11 from the department and must pay a certification fee of \$20.
12 Two Code sections address certificates of registration issued
13 to a federally licensed commercial establishment. Code section
14 162.11(2) provides that other than obtaining a certificate
15 of registration, the commercial establishment is not subject
16 to further departmental regulation. However, Code section
17 162.12 provides that the department may deny an application
18 for a certificate of registration or revoke a certificate of
19 registration that has been issued if the department determines
20 that the practices of the commercial establishment do not
21 comply with the requirements of the Code chapter.

22 The bill increases the fee for the issuance of a certificate
23 of registration to \$100, but exempts commercial establishments
24 that care for Iowa whelped dogs involved in pari-mutuel racing.
25 The bill eliminates Code section 162.11(2) and amends Code
26 section 162.12 to expressly direct the department to regulate
27 a person who applies for or has been issued a certificate of
28 registration as a commercial kennel or public auction, dealer,
29 or commercial breeder. The bill also makes an appropriation
30 and allocates a full-time equivalent position to the department
31 in order to enforce the provisions of the Code chapter.