

**Senate File 2073 - Introduced**

SENATE FILE 2073

BY McCOY

**A BILL FOR**

1 An Act relating to persons who are no longer authorized to  
2 operate as commercial breeders, and providing for penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.2A, Code 2011, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 6. A commercial establishment may  
4 relinquish an authorization issued or renewed by the department  
5 pursuant to this section, in a manner required by the  
6 department.

7 NEW SUBSECTION. 7. Notwithstanding this section, the  
8 department may issue a temporary authorization to a person in  
9 order to wind up the affairs of a commercial establishment.

10 Sec. 2. NEW SECTION. **162.8A Operation of a commercial**  
11 **breeder — authorization invalid.**

12 1. This section applies to a person issued an authorization  
13 by the department in the form of a state license or permit,  
14 for operation as a commercial breeder, if the person's  
15 authorization becomes invalid because it has expired and has  
16 not been renewed by the department as provided in section  
17 162.2A, was revoked by the department as provided in section  
18 162.10D, or was relinquished to the department as provided in  
19 section 162.2A.

20 2. Not later than forty-five days after the person's  
21 authorization is no longer valid, the person must at least do  
22 one of the following:

23 a. Obtain a new authorization issued by the department to  
24 operate as a commercial breeder.

25 b. Sterilize the dogs or cats in the same manner as  
26 prescribed in section 162.20.

27 c. Dispose of the dogs or cats. The person may accomplish  
28 the disposition by transferring title, possession, and control  
29 of unsterilized dogs or cats to another person. The person may  
30 sell the dogs or cats to another person if issued a temporary  
31 authorization as provided in section 162.2A. Alternatively,  
32 the person may accomplish the disposition by humane destruction  
33 in the manner provided in section 162.13.

34 3. Not later than fifty-five days after the person's  
35 authorization is no longer valid, the person shall submit a

1 written statement to the department. The statement shall  
2 detail how the person complied with the requirements of this  
3 section, including by identifying the dogs or cats that have  
4 been sterilized or disposed of by transfer to another or humane  
5 destruction. The statement shall also identify the dogs or  
6 cats that were not sterilized or subject to disposition as  
7 allowed in this section.

8 4. The person is subject to the provisions of chapter 717B.

9 5. Notwithstanding subsection 2, a person whose  
10 authorization becomes invalid may continue to own, possess, and  
11 control up to three dogs or cats capable of breeding.

12 Sec. 3. Section 162.12A, Code 2011, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 1A. A person whose authorization to operate  
15 as a commercial breeder is invalid and who does not comply  
16 with the requirements of section 162.8A is subject to a civil  
17 penalty of not more than five hundred dollars. Each day that a  
18 violation continues shall be deemed a separate offense.

19 EXPLANATION

20 BACKGROUND. In 2010, the general assembly enacted HF  
21 2280 (2010 Iowa Acts, ch. 1030) authorizing the department  
22 of agriculture and land stewardship (department) to regulate  
23 commercial establishments that possess or control animals,  
24 other than animals used for an agricultural purpose (Code  
25 chapter 162). A commercial establishment includes an animal  
26 shelter, pound, or research facility which must be issued a  
27 certificate of registration; a pet shop, boarding kennel, or  
28 commercial kennel which must be issued a state license; and  
29 a commercial breeder, dealer, or public auction which must  
30 be issued a state license, but may be issued a permit if  
31 federally licensed. All of these documents are referred to  
32 as authorizations (Code section 162.2A). The department may  
33 take disciplinary action against a commercial establishment by  
34 suspending or revoking its authorization.

35 RELINQUISHMENT. The bill provides that a commercial

1 establishment may relinquish an authorization according to  
2 rules adopted by the department.

3       COMMERCIAL BREEDERS WHOSE STATE LICENSES OR PERMITS HAVE  
4 BEEN REVOKED OR RELINQUISHED. The bill provides that a person  
5 whose state license or permit for operation as a commercial  
6 breeder was revoked must comply with one of three requirements.  
7 First, the person may obtain a new state license or permit.  
8 Second, the person may sterilize the dogs or cats. Third,  
9 the person may reduce the number of dogs or cats owned by the  
10 person or in the person's possession or under its control.  
11 The reduction may be accomplished by transfer or humane  
12 destruction. The person must also submit a statement to the  
13 department verifying how the person complied with the bill's  
14 requirements. Notwithstanding the sterilization and reduction  
15 requirements, the person may keep three or fewer breeding dogs  
16 or cats.

17       CIVIL PENALTIES. The bill provides that a person who does  
18 not comply with the compliance requirements is subject to a  
19 civil penalty of not more than \$500 and each day that violation  
20 continues constitutes a separate offense.