

Senate File 2192 - Introduced

SENATE FILE 2192

BY GUTH

A BILL FOR

1 An Act relating to persons maintaining or overseeing the
2 maintenance of dogs and cats, including animal rescues,
3 animal shelters, and pounds, by requiring reports on the
4 receipt and disposition of the dogs and cats, and including
5 penalties.

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

1 Section 1. Section 162.2, Code 2016, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 2A. "*Animal foster care*" means a person who
4 operates a private residence that provides a dog or cat with
5 temporary maintenance, including shelter and care, if the dog
6 or cat has been accepted by a person who is an animal rescue or
7 is licensed as an animal shelter or pound under this chapter,
8 if that person is authorized by the department to oversee the
9 operations of the private residence.

10 NEW SUBSECTION. 2B. "*Animal rescue*" means a person who is
11 recognized by the department to retain custody of a dog or cat
12 on a temporary basis until doing any of the following:

13 a. Transferring the dog or cat to an animal shelter, pound,
14 or another animal rescue.

15 b. Relinquishing custody of the dog or cat by sale to
16 members of the public.

17 Sec. 2. NEW SECTION. 162.4B **Receipt and disposition report.**

18 1. A person who is an animal rescue, animal shelter, or
19 pound shall submit a receipt and disposition report to the
20 department each month. The report shall provide information
21 describing the operations of the person divided between dogs
22 and cats under the custody or oversight of the person during
23 the past month. The information shall at least include all of
24 the following:

25 a. The number of dogs and cats that were received by the
26 person. The report shall also provide information about the
27 method of receipt, including all of the following:

28 (1) Surrender by an owner.

29 (2) Brought in as a stray.

30 (3) Donated by a person other than the owner.

31 (4) Impounded under section 351.37.

32 (5) Rescued under chapter 717B.

33 (6) Received from another person or organization.

34 (7) Imported from another state.

35 (8) Imported from another country by any means. The report

1 shall also provide the name of the country.

2 (9) Returned by an owner who had previously claimed the dog
3 or cat from the person.

4 *b.* The number of dogs or cats that were subject to
5 disposition by the person. The report shall also provide
6 information about the method of disposition, including all of
7 the following:

8 (1) Return to the owner.

9 (2) Number of sales.

10 (3) Death other than by euthanasia.

11 (4) Death by euthanasia, including for all of the following:

12 (a) Upon request of the owner.

13 (b) Due to the condition of the dog or cat, including any
14 of the following:

15 (i) Physical or mental impairment.

16 (ii) Temperament.

17 (iii) Age. The report shall specify if the dog or cat was
18 too old or too young.

19 (iv) Size.

20 (v) Breed.

21 (c) Due to factors relating to the person's ability to
22 provide for confinement. The report shall further provide
23 information regarding disposition based on the following:

24 (i) Space constraints.

25 (ii) The amount of time in confinement.

26 *c.* The number of dogs or cats found to be afflicted
27 by a zoonotic disease or parasite known to infect other
28 vertebrate animals or humans. The report shall further provide
29 information regarding the following:

30 (1) The name of the zoonotic disease or parasite.

31 (2) The name of the originating source of the zoonotic
32 disease or parasite.

33 (3) The number of other vertebrate animals by species that
34 were afflicted.

35 (4) The number of other vertebrate animals that came into

1 contact with the afflicted dog or cat that were subject to
2 disposition by sale or return to owner.

3 2. A person who is an animal shelter or pound shall submit
4 a receipt and disposition report to the department each month
5 for any animal foster care overseen by that person. The report
6 shall provide the same information as required in subsection 1.

7 3. A person subject to this section shall post the most
8 recent version of the receipt and disposition report at a
9 conspicuous location clearly visible to the public at the
10 person's principal place of operation. The person shall also
11 publish the report on an internet site that the person shall
12 establish and maintain as required by the department.

13 4. The receipt and disposition report shall be in a form and
14 posted and submitted according to requirements prescribed by
15 the department. The department shall make a report required to
16 be submitted under this section available to the public upon
17 request.

18 5. The department shall annually compile the information
19 submitted to the department pursuant to this section in
20 a compilation receipt and disposition report. The report
21 shall be delivered by January 15 of each year to the
22 governor, legislative services agency, and chairpersons and
23 minority party ranking members of the standing committees on
24 agriculture. The department shall also publish the report on
25 its internet site.

26 6. The department may take disciplinary action against a
27 commercial establishment acting in violation of this section
28 as provided in section 162.10D.

29 Sec. 3. Section 162.12A, subsection 1, Code 2016, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. c. Notwithstanding paragraph "a", a person
32 who fails to comply with section 162.4B is subject to a civil
33 penalty of not less than one thousand dollars and not more than
34 five thousand dollars.

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EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill requires a person who maintains dogs or cats as an
4 animal rescue recognized by the department of agriculture and
5 land stewardship or either an animal shelter or pound operating
6 under a certificate of registration issued by the department
7 to prepare and publish a monthly receipt and disposition
8 report regarding dogs or cats under its care or oversight.
9 The report must be submitted to the department as required by
10 the department. The report must include detailed information
11 regarding the number of dogs and cats that were received,
12 subject to disposition, and found to be suffering from a
13 disease or parasite. The person is required to post the report
14 at a conspicuous location at its principal place of operation
15 and publish the report on its internet site. An animal rescue,
16 animal shelter, or pound that oversees an animal foster care
17 must post, publish, and submit the same information regarding
18 the operations of the animal foster care that it oversees.
19 At the beginning of each year the department must prepare a
20 compilation receipt and disposition report to be delivered to
21 the governor and general assembly. An animal shelter or pound
22 that fails to comply with the bill's provisions is subject
23 to disciplinary action by the department, which may be the
24 suspension or revocation of a certificate of registration. An
25 animal rescue, animal shelter, or pound that fails to comply
26 with the bill's provisions is also subject to a civil penalty
27 of at least \$1,000 and not more than \$5,000.