

House File 594 - Introduced

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A BILL FOR

1 An Act providing for the transfer of dogs and cats by research
2 facilities to certain persons, providing for limitations on
3 liability, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.2, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Animal rescue organization*" means a
4 person who meets all of the following criteria:

5 a. Is organized on a nonprofit basis as described in the
6 federal Internal Revenue Code, 26 U.S.C. §501(c)(3), and is
7 exempt from income taxation under 26 U.S.C. §501(a).

8 b. Has as its primary purpose the welfare and humane
9 treatment of dogs or cats.

10 c. Ordinarily provides for the retention of dogs or cats on
11 a temporary basis until transferring the dogs or cats to any
12 of the following:

13 (1) Another animal rescue organization.

14 (2) An animal shelter.

15 (3) A member of the public by adoption.

16 d. Does not engage in the destruction of animals, including
17 by euthanasia.

18 Sec. 2. Section 162.4A, Code 2017, is amended to read as
19 follows:

20 **162.4A Operation of a research facility — certificate of**
21 **registration — transfer program.**

22 1. A research facility shall only operate pursuant to
23 a certificate of registration issued by the department as
24 provided in [section 162.2A](#). The research facility shall
25 maintain records as required by the department in order for the
26 department to ensure the research facility's compliance with
27 the provisions of [this chapter](#). A research facility shall not
28 purchase a dog or cat from a commercial establishment that does
29 not have a valid authorization issued or renewed under this
30 chapter or a similar authorization issued or renewed by another
31 state.

32 2. a. A research facility shall establish a program for
33 the routine transfer of dogs or cats which are no longer used
34 for testing, evaluation, or observation to an animal shelter
35 or animal rescue organization. The program may also provide

1 for the transfer of the dogs or cats by adoption to members of
2 the public. The department shall approve a research facility's
3 program as part of its approval of an application to issue a
4 certificate of registration to the research facility.

5 b. As part of the program, the research facility shall
6 establish conditions for the transfer of dogs and cats,
7 including but not limited to an evaluation of the physical or
8 psychological condition or temperament of the animals.

9 c. A research facility that provides for the transfer of a
10 dog or cat under its program is not liable for civil damages
11 caused by the animal's condition or behavior, unless the
12 transfer constitutes gross negligence.

13 EXPLANATION

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

16 BILL'S PROVISIONS. This bill provides that a research
17 facility must establish a program to transfer dogs and
18 cats which are no longer used for testing, evaluation, or
19 observation to an animal shelter or animal rescue organization.
20 The bill defines an animal rescue organization as a nonprofit
21 entity that holds animals on a short-term basis and is not
22 engaged in the destruction of animals. As part of the program,
23 the research facility may transfer the animal to a member of
24 the public for adoption.

25 Finally, the bill provides that a research facility
26 providing for the transfer of a dog or cat under its program is
27 not liable for civil damages caused by the animal's condition
28 or behavior unless such transfer constitutes gross negligence.

29 BACKGROUND. A research facility is a public or private
30 school, college, or scientific institution concerned with the
31 investigation of, or instruction concerning the structure
32 or function of living organisms (Code section 162.2). The
33 facility is regulated by the department of agriculture and land
34 stewardship (DALS) as a commercial establishment and operates
35 pursuant to a certificate of registration obtained from the

1 department (Code section 162.4A).

2 APPLICABLE CIVIL PENALTIES. DALIS is required to establish,
3 impose, and assess civil penalties for violations of Code
4 chapter 162 (Code section 162.12A). Generally, the civil
5 penalty cannot exceed \$500 and each day that a violation
6 continues constitutes a separate offense.