A BILL FOR

1 An Act providing for the transfer of dogs and cats by research facilities to certain persons, providing for limitations on liability, and making penalties applicable.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 162.2, Code 2017, is amended by adding
the following new subsection:

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

a. Is organized on a nonprofit basis as described in the
federal Internal Revenue Code, 26 U.S.C. §501(c)(3), and is

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

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

(1) Another animal rescue organization.

(2) An animal shelter.

(3) A member of the public by adoption.

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

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

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

1. A research facility shall only operate pursuant to
a certificate of registration issued by the department as
provided in section 162.2A. The research facility shall
maintain records as required by the department in order for the
department to ensure the research facility’s compliance with
the provisions of this chapter. A research facility shall not
purchase a dog or cat from a commercial establishment that does
not have a valid authorization issued or renewed under this
chapter or a similar authorization issued or renewed by another
state.

2. a. A research facility shall establish a program for
the routine transfer of dogs or cats which are no longer used
for testing, evaluation, or observation to an animal shelter
or animal rescue organization. The program may also provide
for the transfer of the dogs or cats by adoption to members of
the public. The department shall approve a research facility's
program as part of its approval of an application to issue a
certificate of registration to the research facility.

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

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

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

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

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

BACKGROUND. A research facility is a public or private
school, college, or scientific institution concerned with the
investigation of, or instruction concerning the structure
or function of living organisms (Code section 162.2). The
facility is regulated by the department of agriculture and land
stewardship (DALS) as a commercial establishment and operates
pursuant to a certificate of registration obtained from the
APPLICABLE CIVIL PENALTIES. DALS is required to establish, impose, and assess civil penalties for violations of Code chapter 162 (Code section 162.12A). Generally, the civil penalty cannot exceed $500 and each day that a violation continues constitutes a separate offense.