

**House File 474 - Introduced**

HOUSE FILE 474

BY GASKILL

**A BILL FOR**

1 An Act relating to animals, including dogs, that are subject  
2 to certain health and safety regulations, including  
3 by providing for rabies control, and the confiscation,  
4 impoundment, and disposition of such animals, providing a  
5 criminal penalty, and making penalties applicable.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 351.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Department" means the department of agriculture and land  
5 stewardship.

6 2. "DNA" means deoxyribonucleic acid.

7 3. "Local board of health" means the same as defined in  
8 section 137.102.

9 4. "Police service dog" means a dog specially trained  
10 to assist a peace officer as defined in section 801.4 or a  
11 correctional officer in the performance of the officer's  
12 duties.

13 5. "Qualified laboratory" means a laboratory accredited  
14 by the American association of veterinary laboratory  
15 diagnosticians, the national veterinary services laboratories  
16 located in Ames, Iowa, or a diagnostic laboratory recognized  
17 by the department.

18 6. "Veterinarian" means a person who is licensed to practice  
19 veterinary medicine in this state under chapter 169.

20 Sec. 2. Section 351.25, Code 2019, is amended to read as  
21 follows:

22 351.25 Dog as property.

23 All dogs under A dog shall be deemed property only if the dog  
24 is any of the following:

25 1. Less than six months of age, and all dogs over said  
26 age and wearing a collar with a valid rabies vaccination tag  
27 attached to the collar, shall be deemed property. Dogs not  
28 provided with a rabies vaccination tag shall not be deemed  
29 property.

30 2. Owned by a person as evidenced by proof of identification  
31 which shall be limited to any of the following:

32 a. A rabies prevention credential as provided in section  
33 351.35.

34 b. A tattoo imprinted on the dog's skin that may be visually  
35 observed.

1 c. A device implanted under the dog's skin that stores  
2 information in an electronic format accessible by a computer.

3 d. A DNA profile that describes the dog's unique genetic  
4 identity when an analysis is performed comparing a DNA sample  
5 with a record stored in a recognized database.

6 Sec. 3. Section 351.26, Code 2019, is amended to read as  
7 follows:

8 **351.26 Right and duty to kill untagged dog.**

9 1. It shall be lawful for any person, and the duty of all  
10 peace officers within their respective jurisdictions, unless  
11 such jurisdiction shall have otherwise provided for the seizure  
12 confiscation and impoundment of dogs, to kill any a dog for  
13 which a rabies vaccination tag is required, when the dog is not  
14 wearing a collar with rabies vaccination tag attached if any  
15 of the following apply:

16 a. The dog is pursuing, threatening, attempting to injure,  
17 or injuring an individual.

18 b. The dog is pursuing, injuring, or killing a domestic  
19 animal or domestic fowl not owned by the owner of the dog.

20 2. This subsection does not apply to any of the following:

21 a. A police service dog while the police service dog is on  
22 duty or performing an official function.

23 b. A dog taking an action to protect the property, life, or  
24 safety of the dog's owner or an immediate family member of the  
25 owner.

26 c. A dog engaged in performing a task for which the dog  
27 has been trained or is being trained, so long as the task is  
28 otherwise lawful.

29 Sec. 4. Section 351.33, Code 2019, is amended to read as  
30 follows:

31 **351.33 Rabies vaccination prevention — prohibition.**

32 1. Every owner of a dog shall obtain a rabies vaccination  
33 for such animal. It shall be unlawful for any A person  
34 to shall not own or have possess a dog in the person's  
35 possession, six months of age or over older, which has not been

1 ~~vaccinated against~~ unless the person obtains rabies vaccination  
2 credentials for the dog pursuant to section 351.35. Dogs

3 2. Subsection 1 does not apply to a dog kept in kennels and  
4 a kennel if such dog is not allowed to run at large shall not be  
5 subject to these vaccination requirements.

6 Sec. 5. Section 351.35, Code 2019, is amended to read as  
7 follows:

8 351.35 How and when Rabies prevention — requirements and  
9 credentials.

10 1. The A rabies vaccination required by ~~section 351.33,~~  
11 including an initial vaccination and any revaccination, shall  
12 be an injection of antirabies vaccine approved by the state  
13 department of agriculture and land stewardship, and the. The  
14 frequency of administering a revaccination necessary for  
15 approved vaccinations shall be as established by such the  
16 department. The vaccine shall be administered by a licensed  
17 veterinarian and shall be given as administered in a manner  
18 approved by the state department of agriculture and land  
19 stewardship. The Upon administering the vaccination, the  
20 veterinarian shall issue a tag with the following rabies  
21 prevention credentials to the dog's owner:

22 a. A rabies vaccination certificate of vaccination, and  
23 such.

24 b. A rabies vaccination tag. The tag shall at all times be  
25 attached to the a collar of which shall be worn by the dog.

26 2. A veterinarian may determine that a dog does not require  
27 a vaccination based on an evaluation of a report prepared  
28 by a qualified laboratory that performed a rabies antibody  
29 titer test using a sample of the dog's blood serum. If the  
30 veterinarian makes such determination, the veterinarian shall  
31 issue the following rabies prevention credentials to the dog's  
32 owner:

33 a. A rabies antibody titer test certificate.

34 b. A rabies antibody titer test tag. The tag shall at all  
35 times be attached to a collar which shall be worn by the dog.

1     Sec. 6. Section 351.36, Code 2019, is amended to read as  
2 follows:

3     **351.36 Enforcement.**

4     ~~Local~~ A local board of health and law enforcement officials  
5 official shall enforce the provisions of sections 351.33,  
6 351.35, this section, and sections 351.37 through 351.43  
7 relating to vaccination and impoundment of ~~dogs~~ a dog. ~~Such~~  
8 ~~public officials~~ The official shall not be responsible for any  
9 accident or disease of a dog resulting from the enforcement of  
10 ~~the provisions~~ any provision of ~~said~~ those sections.

11     Sec. 7. Section 351.37, Code 2019, is amended to read as  
12 follows:

13     **351.37 Dogs running at large — ~~impoundment — disposition~~**  
14 **confiscation, impoundment, and disposition.**

15     1. A dog shall be ~~apprehended~~ confiscated and impounded  
16 by a local board of health or law enforcement official if the  
17 dog is running at large and ~~the dog is not wearing a valid~~  
18 ~~rabies vaccination tag or a rabies vaccination certificate is~~  
19 ~~not presented to the local board of health or law enforcement~~  
20 ~~official~~ the dog is not immediately identifiable as property of  
21 an owner pursuant to section 351.25.

22     2. a. The local board of health or law enforcement official  
23 shall provide written notice to the dog's owner if the local  
24 board of health or law enforcement official can reasonably  
25 determine the owner's name and current address ~~by accessing a~~  
26 ~~tag or other device that is on or a part of the dog.~~ The notice  
27 shall be sent to the dog's owner within two days after the dog  
28 has been impounded. The notice shall provide that if the owner  
29 or the owner's agent does not redeem the dog within seven days  
30 from the date that the notice is delivered, the dog may be  
31 ~~humanely destroyed or otherwise disposed of in accordance with~~  
32 ~~law~~ subject to disposition as provided in subsection 4.

33     b. For purposes of ~~this section~~ paragraph "a", a notice is  
34 delivered when the local board of health or law enforcement  
35 official mails the notice which may be by regular mail.

1     3. a. An owner may redeem a an impounded dog by ~~having it~~  
2 ~~immediately vaccinated and~~ paying the cost of impoundment.

3     b. If an owner cannot furnish rabies prevention credentials,  
4 the owner must immediately obtain such credentials to furnish  
5 to the local board of health or law enforcement official.

6     ~~3. 4.~~ If the owner of the impounded dog fails to redeem  
7 the dog within seven days from the date of the delivery of the  
8 notice to the dog's owner as provided in this section, the  
9 ~~dog may be disposed of in accordance with law. If the dog is~~  
10 ~~destroyed, it must be destroyed by euthanasia as defined in~~  
11 section 162.2 is subject to disposition by any of the following  
12 methods:

13     a. Transfer to another person, including by sale or adoption  
14 to a person or by relinquishing the dog to an animal shelter  
15 as provided in section 162.20. All property rights held by  
16 the person who owned the dog prior to impoundment shall be  
17 extinguished. If the dog is not to be destroyed, the local  
18 board of health or law enforcement official shall obtain a  
19 rabies prevention credential for the dog as provided in section  
20 351.35. However, in lieu of obtaining a rabies prevention  
21 credential for the dog, the local board of health may require  
22 a person to whom the dog is being transferred to obtain the  
23 rabies prevention credential.

24     b. The humane destruction of the dog by euthanasia as  
25 defined in section 162.2.

26     Sec. 8. Section 351.38, Code 2019, is amended to read as  
27 follows:

28     **351.38 Owner's duty.**

29     It shall be the duty of the owner of any dog, cat or other  
30 animal which has bitten or attacked a person or any person  
31 having knowledge of such bite or attack to report this act to a  
32 local board of health or law enforcement official. It shall be  
33 the duty of physicians and veterinarians to report to the local  
34 board of health the existence of any animal known or suspected  
35 to be suffering from rabies.

1     Sec. 9. Section 351.39, Code 2019, is amended to read as  
2 follows:

3     **351.39 Confinement, confiscation, and impoundment.**

4     1. If a local board of health receives information that  
5 an animal has bitten a person or that ~~a dog or an~~ animal is  
6 suspected of having rabies, the local board of health shall  
7 order the animal's owner to confine such animal in the manner  
8 it directs. If the owner fails to confine such animal in the  
9 manner directed, the animal shall be ~~apprehended~~ confiscated  
10 and impounded by ~~such~~ the local board of health, and after  
11 ten days the local board of health may humanely destroy the  
12 animal by euthanasia as defined in section 162.2 only if it is  
13 determined that the animal has been infected with the rabies  
14 virus. The owner of a dog or the agency of the dog's owner may  
15 redeem the dog in the same manner provided in section 351.37,  
16 if it is determined that the dog does not present a threat due  
17 to a rabies virus infection. If ~~such an~~ animal is returned to  
18 its owner, the owner shall pay the cost of impoundment. ~~This~~  
19 ~~section~~

20     2. Subsection 1 shall not apply if to an animal, a police  
21 service dog or a horse used by a law enforcement agency ~~and,~~  
22 if the animal is acting in the performance of its duties has  
23 ~~bitten a person.~~

24     Sec. 10. NEW SECTION. **351.45 Confiscation — court order.**

25     1. A local board of health or law enforcement official  
26 shall not confiscate a dog under this chapter without obtaining  
27 a court order. The court shall determine if a dog should be  
28 impounded and placed in the custody of the local board of  
29 health or law enforcement official. The dog's disposition  
30 shall be determined by court order after a hearing to determine  
31 the dog's ownership. The hearing may be held as part of a  
32 dispositional proceeding conducted pursuant to section 717B.4.

33     2. If a dog is ordered to be impounded under subsection 1,  
34 all of the following apply:

35     a. The dog shall not be placed in the custody of a private



1 property according to several forms of proof of ownership,  
2 including a rabies prevention credential as described in the  
3 bill, a tattoo on the dog's skin, a device implanted under the  
4 dog's skin, or a DNA profile on record. Under current law, the  
5 dog's status as property is determined by its age and whether  
6 it is wearing a collar attached with a rabies vaccination tag  
7 (Code section 351.25).

8     **RIGHT TO KILL DOG.** The bill provides that a person may kill  
9 a dog regardless of whether it is wearing a collar with an  
10 attached rabies tag, if the dog is endangering an individual  
11 or domestic animal or fowl. The provision does not apply to  
12 a police service dog; a dog protecting the property, life,  
13 or safety of the dog's owner or immediate family; or the dog  
14 is engaged in or being trained to be engaged in performing a  
15 lawful task. Under current law, a person has a right to kill  
16 a dog not wearing such collar (Code section 351.26); or a dog  
17 wearing the collar if it is harassing a domestic animal or  
18 fowl or attacking or attempting to bite a person (Code section  
19 351.27).

20     **RABIES PREVENTION.** The bill requires the owner of a dog  
21 to obtain evidence (credentials) that the dog is prevented  
22 from contracting the rabies virus. This includes a rabies  
23 vaccination certificate and rabies vaccination tag to be  
24 worn on the dog's collar. Otherwise, the credentials are a  
25 rabies antibody titer test certificate and a rabies antibody  
26 titer test tag that also must be worn on the dog's collar.  
27 Under current law, a dog that is over six months old must be  
28 vaccinated and revaccinated according to rules adopted by the  
29 department (Code sections 351.33 and 351.35).

30     **CONFISCATION, IMPOUNDMENT, AND DISPOSITION.** The bill  
31 provides that a dog's owner may redeem a dog confiscated and  
32 impounded by a local authority if the owner furnishes rabies  
33 prevention credentials. The local authority must arrange for  
34 the disposition of an unredeemed dog by sale, transfer, or  
35 relinquishment of title to an animal shelter. If an animal has

1 been confiscated based on a suspected rabies infection, the  
2 local authority must test the animal. An uninfected dog must  
3 be returned its owner. Under current law, a local authority  
4 must confiscate a dog and either return it to its owner or  
5 humanely destroy it after 10 days (Code section 351.39).

6 COURT ORDER. The bill prohibits a local authority from  
7 confiscating, impounding, or disposing of a dog that is  
8 considered property without obtaining a court order. The dog  
9 cannot be placed in the custody of a private person, cannot be  
10 sterilized, and must be provided with an adequate standard of  
11 care.

12 CRIMINAL OFFENSE — FALSE REPORT. The bill creates a  
13 new criminal offense referred to as "false report" which  
14 is committed by a person providing incorrect or incomplete  
15 information to a local board of health or law enforcement  
16 official, knowing that the information will likely result in  
17 the confiscation of a dog that is property. A person who  
18 commits the offense is guilty of a simple misdemeanor. The  
19 person may also be ordered to pay for costs associated with the  
20 prosecution.

21 APPLICABLE CRIMINAL PENALTY. A person who is in violation  
22 of a provision in the Code chapter is guilty of a simple  
23 misdemeanor (Code section 351.43). A simple misdemeanor is  
24 punishable by confinement for no more than 30 days or a fine of  
25 at least \$65 but not more than \$625 or by both.