

House Study Bill 227 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act providing for the regulation of certain commercial
2 establishments engaged in the care of nonagricultural
3 animals, providing for fees, making appropriations and
4 providing for penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 162.2, Code 2019, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 2A. "*Adult dog*" means a dog that is twelve
4 months of age or older.

5 NEW SUBSECTION. 7A. "*Breeding dog*" means a female dog that
6 is primarily used for producing offspring.

7 NEW SUBSECTION. 7B. "*Business activity*" means a continuing
8 act conducted by a business organization in which goods or
9 services are offered or accepted in exchange for consideration,
10 including but not limited to sale, barter, or trade, regardless
11 of whether the exchange is conditional.

12 NEW SUBSECTION. 7C. "*Business organization*" means a sole
13 proprietorship or an entity organized under statute or common
14 law in this state or another jurisdiction for purposes of
15 engaging in a business activity on a profit, cooperative,
16 or not-for-profit basis, including but not limited to a
17 corporation or entity taxed as a corporation under the Internal
18 Revenue Code, nonprofit corporation, cooperative or cooperative
19 association, partnership, limited partnership, limited
20 liability company, limited liability partnership, investment
21 company, joint stock company, joint stock association, or
22 trust, including but not limited to a business trust.

23 NEW SUBSECTION. 8A. "*Commercial dealer*" means a person,
24 other than a pet shop, who is engaged in a business activity
25 related to buying for resale five or more dogs or cats, or
26 both, during any time in any twelve-month period.

27 NEW SUBSECTION. 10A. a. "*Commercial rescue*" means a
28 person not engaged in business activity who is a custodian
29 of ten or more dogs or cats, or both, at any time during a
30 twelve-consecutive-month period, if during that period the
31 person does all of the following:

32 (1) Accepts dogs or cats from five or more persons, not
33 counting family members, or has taken custody of five or more
34 dogs or cats which were abandoned.

35 (2) Is prepared to maintain the dogs or cats on a permanent

1 basis.

2 (3) Does any of the following:

3 (a) Relinquishes custody or offers to relinquish custody of
4 the dogs or cats by adoption to members of the public.

5 (b) Offers to permanently care for the dogs or cats
6 suffering from a terminal illness.

7 *b. "Commercial rescue"* does not include a person not engaged
8 in a business activity who keeps dogs or cats pursuant to an
9 agreement with an animal shelter or pound.

10 NEW SUBSECTION. 10B. *a. "Commercial transporter"* means
11 a person engaged in a business activity that relates to
12 transferring more than five dogs or cats, or both, from a
13 commercial breeder or commercial dealer, at any time during a
14 twelve-month period, if all of the following apply:

15 (1) The person does not hold an ownership interest in the
16 dogs or cats.

17 (2) The person does not keep the dogs or cats on a permanent
18 basis.

19 *b. "Commercial transporter"* includes a person described
20 in paragraph "a" who is engaged in a business activity that
21 relates to transferring more than five dogs or cats, or both,
22 from another commercial transporter, at any time during a
23 twelve-month period.

24 *c. "Commercial transporter"* does not include a person
25 licensed as a commercial breeder or commercial dealer.

26 NEW SUBSECTION. 10C. *"Conviction"* means a conviction for
27 an indictable offense and includes a court's acceptance of a
28 guilty plea, deferred judgment from the time of entry of the
29 deferred judgment until the time the defendant is discharged by
30 the court without entry of judgment, or other finding of guilt
31 by a court of competent jurisdiction in this state, or in any
32 other state, territory, or district of the United States, or in
33 any foreign jurisdiction.

34 NEW SUBSECTION. 12A. *"Enrichment"* means any modification
35 in the environment of a confined dog that seeks to enhance

1 the dog's physical and psychological well-being by providing
2 stimuli that meets the dog's breed-specific needs.

3 NEW SUBSECTION. 13A. "*Exercise*" means an activity that
4 allows a dog to extend to full stride, play, and engage in
5 other types of mentally stimulating and social behaviors.

6 NEW SUBSECTION. 13B. "*Family member*" means a spouse,
7 son, daughter, brother, sister, uncle, aunt, first cousin,
8 nephew, niece, father-in-law, mother-in-law, son-in-law,
9 daughter-in-law, brother-in-law, sister-in-law, father, mother,
10 stepfather, stepmother, stepson, stepdaughter, stepbrother,
11 stepsister, half brother, or half sister.

12 NEW SUBSECTION. 16A. "*Maintenance*" means to keep an
13 animal and provide for the care of the animal in a manner
14 that preserves the animal's health and safety, including by
15 providing for a standard of care as required in section 162.10
16 or 162.10A when confining, handling, breeding, transporting, or
17 exhibiting the animal.

18 NEW SUBSECTION. 16B. "*Nonadult dog*" means a dog that is
19 less than twelve months of age.

20 NEW SUBSECTION. 22A. "*Puppy*" means a dog that is less than
21 four months of age.

22 NEW SUBSECTION. 22B. "*Qualified commercial establishment*"
23 means a commercial breeder, commercial dealer, commercial
24 transporter, or pet shop.

25 NEW SUBSECTION. 24A. "*Serious injury*" means an injury that
26 constitutes an animal's protracted or permanent disfigurement,
27 the protracted or permanent impairment of an animal's health,
28 the protracted or permanent impairment of the functioning of
29 an animal's limb or organ, or the loss of an animal's limb or
30 organ.

31 NEW SUBSECTION. 26A. "*Thermoneutral zone*" means the range
32 of ambient temperature in which a dog is able to maintain
33 normal body temperature without a change in metabolic rate.

34 NEW SUBSECTION. 28. "*Veterinarian*" means a person licensed
35 in this state to practice veterinary medicine under chapter

1 169.

2 Sec. 2. Section 162.2, subsections 8, 11, 17, and 26, Code
3 2019, are amended to read as follows:

4 8. a. "Commercial breeder" means a person, engaged in the
5 business of breeding dogs or cats, who sells, exchanges, or
6 leases dogs or cats in return for consideration, or who offers
7 to do so, whether or not the animals are raised, trained,
8 groomed, or boarded by the person. A person who owns or
9 harbors three or fewer breeding males or females is not a
10 commercial breeder. However, a who keeps five or more breeding
11 dogs or cats at any time during twelve consecutive months,
12 breeds those dogs or cats, and is engaged in the business of
13 doing any of the following:

14 (1) Selling five or more dogs or cats to a commercial
15 breeder, a commercial dealer, or a pet store during that
16 period.

17 (2) Selling forty or more non-adult dogs to persons on a
18 retail basis during that period.

19 (3) Keeping more than forty puppies during that period,
20 if the puppies have remained on the business premises of any
21 commercial establishment from the time of their births.

22 b. "Commercial breeder" includes a person who breeds any
23 number of breeding male or female greyhounds for the purposes
24 of using them for pari-mutuel wagering at a racetrack as
25 provided in chapter 99D shall be considered a commercial
26 breeder irrespective regardless of whether the person sells,
27 leases, or exchanges the greyhounds for consideration or offers
28 to do so.

29 11. a. "Dealer" means any person who is engaged in the
30 business of buying for resale or selling or exchanging dogs or
31 cats, or both, as a principal or agent, or who claims to be so
32 engaged.

33 b. "Dealer" does not include an animal shelter or pound.

34 17. "Permittee" means a commercial breeder, dealer, other
35 than a commercial dealer or public auction to whom a permit

1 is issued by the department as a federal licensee pursuant to
2 section 162.2A.

3 26. "*State licensee*" means any of the following:

4 a. A boarding kennel, commercial breeder, commercial dealer,
5 commercial kennel, commercial rescue, commercial transporter,
6 or pet shop to whom a state license is issued by the department
7 pursuant to [section 162.2A](#).

8 b. A ~~commercial breeder, dealer, or public auction~~ to whom
9 a state license is issued in lieu of a permit by the department
10 pursuant to section 162.2A.

11 Sec. 3. Section 162.2A, subsection 1, Code 2019, is amended
12 to read as follows:

13 1. The department shall provide for the operation
14 of a commercial establishment by issuing or renewing an
15 authorization, including any of the following:

16 a. A certificate of registration for a pound, animal
17 shelter, or research facility.

18 b. A state license for a boarding kennel, commercial
19 breeder, commercial dealer, commercial kennel, commercial
20 rescue, commercial transporter, or pet shop.

21 c. A Either a state license or permit for a ~~commercial~~
22 ~~breeder, dealer, or a public auction.~~ A federal licensee must
23 apply for and be issued either a permit or a state license in
24 lieu of a permit.

25 Sec. 4. Section 162.2A, Code 2019, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 2A. For purposes of determining the number
28 of animals that a qualified commercial establishment keeps,
29 two or more commercial establishments located in the same
30 zip code and which would otherwise be classified as separate
31 commercial establishments shall be deemed to be part of the
32 same commercial establishment, if any of the following apply:

33 a. The same person owns or operates each of those commercial
34 establishments.

35 b. Two or more of the commercial establishments are formed

1 as different business organizations, and the same person holds
2 a controlling interest in each of the business organizations.
3 If the same family members hold a combined controlling interest
4 in two or more of the commercial establishments, all of those
5 business organizations shall be deemed to be part of a single
6 qualified commercial establishment.

7 NEW SUBSECTION. 2B. A person shall not be issued a state
8 license as a commercial breeder until the person passes an
9 initial inspection conducted by the department.

10 NEW SUBSECTION. 2C. An authorization shall include a unique
11 identification number.

12 Sec. 5. Section 162.2A, Code 2019, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4A. *a.* The department shall not issue a
15 person a new state license to operate as a commercial breeder
16 unless the person submits the application to the department at
17 least ninety days before commencing operation.

18 *b.* In addition to the requirements described in subsection
19 4, the application for a new state license to operate as
20 a commercial breeder shall contain, for the period of the
21 license, all of the following:

22 (1) An estimate of the maximum number of adult dogs and
23 an estimate of the maximum number of non-adult dogs to be
24 maintained.

25 (2) Proof that necessary veterinary services have been
26 obtained to care for the maximum number of dogs described in
27 subparagraph (1).

28 (3) Evidence that the applicant is able to comply with all
29 standards of care required in sections 162.10 and 162.10A.

30 (4) Evidence of financial responsibility consisting of an
31 instrument, including a surety bond, a liability insurance
32 policy, or an irrevocable letter of credit issued by a
33 qualified financial institution as defined in section 12C.1,
34 and naming the department as the beneficiary.

35 (a) The evidence of financial responsibility shall,

1 according to its terms, pay the department the amount that the
2 department would incur if the department seizes and impounds an
3 animal as provided in section 162.13. A liability insurance
4 policy shall be subject to the insurer's policy provisions
5 filed with and approved by the commissioner of insurance.
6 The total and aggregate liability of the surety, insurer,
7 or financial institution for all claims shall be limited to
8 the face of the surety bond, liability insurance policy, or
9 irrevocable letter of credit.

10 (b) The face value of the coverage shall be in the following
11 amounts:

12 (i) Five thousand dollars for an applicant that will
13 maintain not more than twenty-five adult dogs.

14 (ii) Ten thousand dollars for an applicant that will
15 maintain at least twenty-six but not more than fifty adult
16 dogs.

17 (iii) Fifty thousand dollars for an applicant that will
18 maintain more than fifty adult dogs.

19 (5) Information required by the department to conduct a
20 check of the applicant's criminal history record in cooperation
21 with the department of public safety. The department of public
22 safety shall notify the department of any results of a national
23 criminal history record check requested by the department.
24 The results shall be considered a confidential record under
25 chapter 22 and shall not be released without the consent of the
26 department of public safety. The department shall reimburse
27 the department of public safety for costs associated with
28 conducting the national criminal history record check.

29 c. An application shall not be approved if the applicant has
30 done any of the following:

31 (1) Violated section 162.10 or 162.10A in a manner that
32 has caused an animal serious injury or death or has violated
33 a comparable statute or administrative rule of another state
34 in a manner that has caused an animal serious injury or death,
35 if such statute or rule substantially corresponds to section

1 162.10 or 162.10A.

2 (2) Has in the prior twenty years been convicted of
3 committing animal abuse pursuant to section 717B.2, animal
4 neglect pursuant to section 717B.3, animal torture pursuant to
5 section 717B.3A, injury or interference with a police service
6 dog pursuant to section 717B.9, bestiality pursuant to section
7 717C.1, or an act involving a contest event prohibited in
8 section 717D.2.

9 (3) Has in the prior twenty years been convicted of an
10 offense under any other state's criminal statute substantially
11 corresponding to an offense described in subparagraph (2).

12 Sec. 6. Section 162.2B, subsection 1, Code 2019, is amended
13 to read as follows:

14 1. A commercial establishment shall pay authorization fees
15 to the department for the issuance or renewal of a certificate
16 of registration, state license, or permit.

17 a. For the issuance or renewal of a certificate of
18 registration, seventy-five dollars.

19 b. For the issuance or renewal of a state license or permit,
20 one hundred seventy-five dollars. ~~However, a~~

21 c. Notwithstanding paragraph "b", a commercial breeder shall
22 pay a base authorization fee provided in paragraph "b" plus a
23 scheduled state license fee as follows:

24 (1) One hundred dollars, if the commercial breeder sells
25 at least forty but not more than sixty puppies to the public
26 during the previous period of licensure.

27 (2) Two hundred fifty dollars if the commercial breeder sold
28 at least sixty-one but not more than one hundred fifty puppies
29 to the public during the previous period of licensure.

30 (3) Three hundred fifty dollars if the commercial breeder
31 sold at least one hundred fifty-one but not more than two
32 hundred fifty puppies to the public during the previous period
33 of licensure.

34 (4) Five hundred dollars if the commercial breeder sold at
35 least two hundred fifty-one but not more than three hundred

1 fifty puppies to the public.

2 (5) Seven hundred fifty dollars if the commercial breeder
3 sold three hundred fifty-one or more puppies to the public.

4 d. Notwithstanding paragraph "b" or "c", a commercial
5 breeder who owns, keeps, breeds, or transports a greyhound dog
6 for pari-mutuel wagering at a racetrack as provided in chapter
7 99D shall pay a different fee for the issuance or renewal of a
8 state license as provided in rules adopted by the department.

9 Sec. 7. Section 162.5, Code 2019, is amended to read as
10 follows:

11 **162.5 Operation of a pet shop — state license.**

12 1. A pet shop shall only operate pursuant to a state license
13 issued or renewed by the department pursuant to [section 162.2A](#).

14 2. The pet shop shall ~~maintain~~ create and retain records
15 as required by the department in order for the department to
16 ensure the pet shop's compliance with the provisions of this
17 chapter. The pet shop shall retain such records for three
18 years beginning on the date that the current license was issued
19 or renewed.

20 3. A pet shop shall not purchase a dog or cat from
21 a commercial establishment that does not have a valid
22 authorization issued or renewed under [this chapter](#) or a similar
23 authorization issued or renewed by another state.

24 4. a. A pet shop shall not be transferred a dog from a
25 qualified commercial establishment unless the pet shop receives
26 a copy of a disclosure statement as provided in section 162.8.

27 b. A pet shop shall not transfer a dog to another person
28 unless the pet shop provides a copy of the disclosure statement
29 from the qualified commercial establishment as provided in
30 section 162.8 to that person.

31 Sec. 8. Section 162.7, Code 2019, is amended to read as
32 follows:

33 **162.7 Operation of a dealer — state license or permit.**

34 A dealer, other than a commercial dealer, shall only operate
35 pursuant to a state license, or a permit, issued or renewed

1 by the department as provided in [section 162.2A](#). A dealer
2 who is a state licensee shall maintain records as required
3 by the department in order for the department to ensure
4 compliance with the provisions of [this chapter](#). A dealer who
5 is a permittee may but is not required to maintain records.
6 A dealer shall not purchase a dog or cat from a commercial
7 establishment that does not have a valid authorization issued
8 or renewed under [this chapter](#) or a similar authorization issued
9 or renewed by another state.

10 Sec. 9. NEW SECTION. **162.7A Operation of a commercial**
11 **dealer — state license.**

12 1. A commercial dealer shall only operate pursuant to a
13 state license issued or renewed by the department as provided
14 in section 162.2A.

15 2. A commercial dealer shall create or retain records
16 as required by the department in order for the department to
17 ensure the commercial dealer's compliance with the provisions
18 of this chapter. The commercial dealer shall retain such
19 records for three years beginning on the date that the current
20 state license was issued or renewed.

21 3. A commercial dealer shall not purchase a dog from
22 a commercial establishment that does not have a valid
23 authorization issued or renewed under this chapter or a similar
24 authorization issued or renewed by another state.

25 4. A commercial dealer shall not be transferred a dog from a
26 qualified commercial establishment unless the commercial dealer
27 receives a copy of a disclosure statement from the qualified
28 commercial establishment as provided in section 162.8. The
29 commercial dealer shall not transfer a dog to any person
30 unless the commercial dealer provides a copy of the disclosure
31 statement to that person.

32 Sec. 10. Section 162.8, Code 2019, is amended to read as
33 follows:

34 **162.8 Operation of a commercial breeder — state license or**
35 **permit.**

1 1. A commercial breeder shall only operate pursuant to a
2 state license, ~~or a permit,~~ issued or renewed by the department
3 as provided in [section 162.2A](#).

4 2. A commercial breeder ~~who is a state licensee~~ shall
5 ~~maintain~~ create and retain records as required by the
6 department in order for the department to ensure the commercial
7 breeder's compliance with the provisions of [this chapter](#). A
8 ~~commercial breeder who is a permittee may but is not required~~
9 ~~to maintain records.~~ A commercial breeder shall retain such
10 records for three years beginning on the date that the current
11 state license was issued or renewed.

12 3. A commercial breeder shall not purchase a dog or cat
13 from a commercial establishment that does not have a valid
14 authorization issued or renewed under [this chapter](#) or a similar
15 authorization issued or renewed by another state.

16 4. a. A commercial breeder shall not transfer a dog to
17 another person unless the commercial breeder provides that
18 person with a disclosure statement that includes all of the
19 following:

20 (1) The unique identification number included as part of the
21 authorization issued or renewed pursuant to section 162.2A.

22 (2) The commercial breeder's name, principal office or
23 place of business, telephone number, and electronic mail
24 address.

25 (3) The dog's approximate date of birth.

26 b. The disclosure statement shall include the following
27 attachments:

28 (1) A copy of the department's latest inspection report.

29 (2) A certificate of veterinary inspection signed by
30 a veterinarian who examined the dog. The certificate of
31 veterinary inspection shall describe any known disease,
32 illness, or congenital or hereditary condition that adversely
33 affected the health of the dog at the time of the examination.

34 5. The state license shall be contingent upon the
35 maintenance of evidence of financial responsibility described

1 in section 162.2A.

2 a. The evidence of financial responsibility shall be
3 maintained at not less than the amount specified in that
4 section at all times during the state license period.

5 b. The department shall be notified ten days prior to any
6 reduction in the surety bond or liability insurance made at the
7 request of the applicant or cancellation of the surety bond
8 by the surety or the liability insurance by the insurer. The
9 department shall be notified ninety days prior to any reduction
10 of the amount of the irrevocable letter of credit at the
11 request of the applicant or the cancellation of the irrevocable
12 letter of credit by the qualified financial institution.

13 6. A commercial breeder shall not transfer a dog to another
14 person until it installs an electronic device beneath the
15 skin of a dog that stores information regarding the dog and
16 the dog's health in a digital format and accessible by a
17 commercially available computer for purposes of reading the
18 information.

19 **Sec. 11. NEW SECTION. 162.8A Operation of a commercial**
20 **rescue — state license.**

21 1. A commercial rescue shall only operate pursuant to a
22 state license, issued or renewed by the department as provided
23 in section 162.2A.

24 2. A commercial rescue cannot operate on a for profit basis.
25 A commercial rescue which is a business entity must be formed
26 as a domestic corporation or foreign corporation under chapter
27 504.

28 3. A commercial rescue shall create and retain records
29 as required by the department in order for the department to
30 ensure the commercial rescue's compliance with the provisions
31 of this chapter.

32 4. A commercial rescue shall not purchase or transfer a dog
33 or cat from a qualified commercial establishment as part of its
34 business activities.

35 **Sec. 12. NEW SECTION. 162.9 Operation of a commercial**

1 **transporter — state license.**

2 1. A commercial transporter shall only operate pursuant to a
3 state license, issued or renewed by the department as provided
4 in section 162.2A.

5 2. A commercial transporter shall create and retain records
6 as required by the department in order for the department
7 to ensure the commercial transporter's compliance with the
8 provisions of this chapter. The commercial transporter shall
9 retain such records for three years beginning on the date that
10 the current license was issued or renewed.

11 3. A commercial transporter shall not purchase a dog or cat
12 from a commercial establishment as part of business activity.

13 4. A commercial transporter shall not deliver a dog
14 on behalf of a qualified commercial establishment unless
15 the commercial transporter receives a copy of a disclosure
16 statement from the qualified commercial establishment as
17 provided in section 162.8A.

18 **Sec. 13. NEW SECTION. 162.10 Standard of care — commercial**
19 **breeder.**

20 1. A commercial breeder shall provide the dog with an
21 adequate ration of food at least twice a day, unless otherwise
22 directed by a veterinarian. An adequate ration of food
23 provides a quality and quantity of nutrition that is all of the
24 following:

25 *a.* Sufficient to maintain the dog's normal body condition
26 and weight.

27 *b.* Unspoiled and uncontaminated.

28 *c.* Provided in accordance with a nutritional plan
29 recommended by a veterinarian.

30 *d.* Served in a sanitary receptacle.

31 2. A commercial breeder shall provide the dog with adequate
32 access to a continuous supply of potable water in a sanitary
33 receptacle and in sufficient quality and quantity to ensure
34 the dog's normal body condition and growth unless otherwise
35 directed by a veterinarian.

- 1 3. A commercial breeder shall provide the dog with adequate
2 shelter. Each dog must be maintained inside a primary
3 enclosure that complies with all of the following:
- 4 *a.* The primary enclosure's ceiling must be at least six
5 inches higher than the top of the head of the tallest dog as
6 measured when the dog is in a normal standing position.
- 7 *b.* The primary enclosure must allow each dog to turn in a
8 complete circle and be fully recumbent while laying down.
- 9 *c.* The primary enclosure must not be stacked below or on top
10 of another primary enclosure.
- 11 *d.* The primary enclosure must be cleaned at least once each
12 day, including by removing excreta, dirt, grime, and other
13 waste.
- 14 *e.* On and after January 1, 2022, the primary enclosure must
15 have a minimum floor space measured in square inches determined
16 by applying a formula that obtains a sum achieved by adding
17 nine inches to the length of any dog maintained in the primary
18 enclosure and multiplying that sum by a factor of two. The
19 length of the dog shall be measured from the tip of its nose
20 to the base of its tail. The minimum floor space shall be
21 adjusted to account for each additional dog maintained in the
22 primary enclosure which shall be determined using the same
23 formula.
- 24 *f.* On and after January 1, 2022, the primary enclosure's
25 flooring must be constructed by using materials that can be
26 sanitized.
- 27 *g.* On and after January 1, 2022, the primary enclosure's
28 flooring must be constructed to be safe, taking into account
29 the breed, size, and age of the dog. In addition, the primary
30 enclosure must not be constructed in a manner that allows for
31 any of the following:
- 32 (1) Any protruding sharp edge that could cut a dog.
- 33 (2) Sagging or bending when a dog is standing or reclining.
- 34 (3) Spaces that could allow the paw of the dog to extend
35 through or become caught in the primary enclosure.

1 *h.* On and after January 1, 2022, the primary enclosure's
2 flooring must not be constructed using wire made of metal,
3 including metal wire that is coated with another material.

4 *i.* On and after January 1, 2022, the primary enclosure's
5 flooring must either be solid or consist of slats. If the
6 flooring consists of slats, all of the following must apply:

7 (1) The spaces between the slats must not be more than
8 one-half inch in width.

9 (2) The slats must not be less than three and one-half
10 inches in width.

11 (3) The slats must run in the same direction.

12 (4) The slats must be level.

13 (5) The area must have a solid resting area that can
14 accommodate the full length of the dog while fully recumbent.

15 4. *a.* On and after January 1, 2022, a commercial breeder
16 shall ensure that a primary enclosure located inside a facility
17 allows for the regulation of temperature, ventilation, and
18 lighting, including diurnal lighting. The commercial breeder
19 shall ensure that the lighting is sufficient, either through
20 natural or artificial means, to observe the physical condition
21 of the dog and to permit inspection and cleaning of the dog and
22 sanitizing the primary enclosure.

23 *b.* On and after January 1, 2022, a commercial breeder shall
24 ensure that a primary enclosure located outside a facility
25 shall be used only if a veterinarian approves such use. If
26 climatic or ambient temperatures pose a threat to the health
27 and welfare of the dog, the commercial breeder must take
28 effective measures to eliminate the threat. In taking such
29 action, the commercial breeder must consider the dog's age,
30 breed, overall health, and acclimation to the climate and
31 weather conditions. The commercial breeder shall not use
32 the primary enclosure to house the dog if the dog is unable
33 to tolerate the prevalent temperatures within the dog's
34 thermoneutral zone.

35 5. A commercial breeder shall maintain a dog in a primary

1 enclosure with other dogs, subject to all of the following:

2 *a.* A dog may be separated due to health, biosecurity,
3 breeding, or behavioral issues.

4 *b.* A puppy may be maintained with an adult dog only if the
5 adult dog is the puppy's dam or foster dam.

6 6. A commercial breeder shall maintain a dam under all of
7 the following conditions:

8 *a.* The dam shall not be bred unless she has a normal body
9 condition and has been declared healthy by a veterinarian
10 following a physical examination.

11 *b.* The dam shall not produce more than eight litters during
12 its lifetime.

13 *c.* The dam, including a foster dam, and the dam's puppies
14 must be provided a sanitary, dry whelping area that allows the
15 dam to lie fully recumbent and stand, and that allows the dam
16 to move away from her puppies as she chooses. No other animal
17 shall inhabit the whelping area other than the dam and her
18 puppies.

19 7. A commercial breeder shall provide a dog with all of the
20 following:

21 *a.* An opportunity for daily exercise of at least thirty
22 minutes. However, this paragraph does not apply to an
23 expectant female dog, postpartum female dog, or any other dog
24 as directed by a veterinarian.

25 *b.* An opportunity to safely access the outdoors during
26 daylight hours.

27 *c.* Daily enrichment while the dog is maintained in its
28 primary enclosure.

29 *d.* Human interaction for at least fifteen minutes each day
30 in addition to any interaction that occurs during any period
31 reserved for providing the dog with food or water or sanitizing
32 its primary enclosure. The interaction, at a minimum, shall
33 include verbal and tactile stimulation in a positive and
34 beneficial manner.

35 8. A veterinarian must provide a dog maintained by a

1 commercial breeder with all of the following:

2 *a.* Prompt treatment for any significant disease, illness,
3 or injury.

4 *b.* An annual physical examination of an adult dog.

5 *c.* Compliance with a vaccination and parasite control
6 program consistent with recommendations of the American
7 veterinarian medical association or the American animal
8 hospital association.

9 *d.* Any procedure involving surgery or euthanasia.

10 9. The department may adopt rules providing for a standard
11 of care that may supplement the other provisions of this
12 section, including but not limited to housing, nutrition,
13 exercise, grooming, biosecurity and disease control, waste
14 management, and whelping. In adopting such rules, the
15 department shall consider all of the following:

16 *a.* Recognized best management practices.

17 *b.* Scientific information, including morbidity and mortality
18 data.

19 *c.* Generally accepted veterinary medical standards and
20 ethical standards established by the American veterinarian
21 medical association or the American animal hospital
22 association.

23 *d.* Standards established by the United States department of
24 agriculture under the Animal Welfare Act.

25 Sec. 14. Section 162.10B, Code 2019, is amended to read as
26 follows:

27 **162.10B Commercial establishments — inspecting state**
28 **licensees and registrants.**

29 1. The department may inspect the commercial establishment
30 of a registrant or state licensee by entering onto its
31 business premises at any time during normal working hours.
32 The department may inspect records required to be maintained
33 by the state licensee or registrant as provided in this
34 chapter. If the owner or person in charge of the commercial
35 establishment refuses admittance, the department may obtain an

1 administrative search warrant issued under [section 808.14](#). The
2 department shall prepare and file an inspection report after
3 the inspection which shall be made available to the public on
4 the department's internet site.

5 2. The department shall conduct an unannounced inspection
6 of the business premises of a commercial breeder at least once
7 during each license period.

8 Sec. 15. Section 162.10D, Code 2019, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 1A. The department shall take disciplinary
11 action against a person by suspending or revoking the person's
12 state license for failing to timely remit any sales or use tax
13 due to the department of revenue as provided in chapter 423.
14 The department of revenue shall cooperate with the department
15 of agriculture and land stewardship in administering this
16 subsection.

17 Sec. 16. Section 162.13, subsection 2, Code 2019, is amended
18 to read as follows:

19 2. a. The failure of a person who owns or operates a
20 commercial establishment to meet the standard of care required
21 in section [162.10A, subsection 1](#), is a simple misdemeanor. ~~The~~
22 ~~animals are subject to seizure and impoundment and~~

23 b. The failure of a commercial breeder to meet a standard of
24 care required in section 162.10A that causes a dog to suffer
25 serious adverse health effects or prolonged suffering is a
26 serious misdemeanor.

27 3. The department may seize and impound all animals if
28 the commercial breeder fails to meet a standard of care
29 requirement described in subsection 2. The animals may be sold
30 or destroyed as provided by rules which shall be adopted by the
31 department pursuant to [chapter 17A](#). The rules shall provide
32 for the destruction of an animal by a humane method, including
33 by euthanasia.

34 Sec. 17. NEW SECTION. **162.11A Uniform enforcement**
35 **procedures.**

1 The department shall adopt rules providing criteria for
2 making decisions regarding the enforcement of this chapter.
3 The department shall apply the criteria in a manner that
4 ensures the uniform enforcement of this chapter.

5 Sec. 18. Section 162.12A, subsection 1, Code 2019, is
6 amended to read as follows:

7 1. ~~a.~~ A commercial establishment that operates pursuant to
8 an authorization issued or renewed ~~under this chapter~~ pursuant
9 to section 162.2A is subject to a civil penalty of not more
10 than five hundred dollars, regardless of the number of animals
11 ~~possessed or controlled kept~~ by the commercial establishment,
12 for violating a provision of this chapter. ~~Except as provided~~
13 ~~in paragraph "b", each~~ Each day that a violation continues shall
14 be deemed a separate offense.

15 ~~b.~~ 2. ~~This paragraph applies to a~~ A commercial breeder
16 who violates a provision in section 162.10 shall receive a
17 conditional or disapproved inspection report and is subject
18 to a corrective plan if offered by the department. Any
19 commercial establishment that violates a standard of care
20 involving housing as provided in section 162.10A is also
21 subject to a corrective plan, if so offered. The departmental
22 official who makes a determination that a violation exists
23 and that a corrective plan is warranted, shall provide a
24 prepare and deliver the inspection report and corrective plan
25 to the commercial establishment describing. The inspection
26 report and corrective plan shall identify each violation and
27 describe how the each violation will must be corrected within a
28 compliance period of not more than fifteen days from the date
29 of approval by the official of that the corrective plan is
30 delivered. The commercial establishment shall not engage in
31 its ordinary business activities, other than maintaining the
32 animal as required under this chapter, until the department
33 inspects the business premises of the commercial breeder is
34 satisfied that all corrections identified in the correction
35 plan have been made, and issues an approved inspection report

1 to the commercial breeder. Once the approved inspection report
2 has been published on the department's internet site, the
3 department shall withdraw any charge of a continuing violation.

4 a. Notwithstanding subsection 1, a civil penalty shall not
5 exceed five hundred dollars for the first day of the violation.
6 After that day, the department shall not impose a civil penalty
7 for the violation during the compliance period. The department
8 shall not impose an additional civil penalty, unless the
9 commercial establishment fails to correct the violation by the
10 end of the compliance period.

11 b. If the a commercial establishment fails to correct
12 the a violation, as identified in the inspection report and
13 corrective plan, by the end of the compliance period, each
14 day that the violation continues shall be deemed a separate
15 offense. If the commercial establishment fails to correct an
16 identified violation, the department shall notify the county
17 sheriff and county attorney in the county where the commercial
18 establishment is located. If the commercial establishment
19 fails to correct more than one of the identified violations,
20 the department shall also notify the attorney general.

21 Sec. 19. Section 162.13, subsection 2, Code 2019, is amended
22 to read as follows:

23 2. a. The failure of a A person who owns or operates a
24 commercial establishment and fails to meet the standard of care
25 required in section 162.10 or section 162.10A, subsection 1,
26 is guilty of a simple misdemeanor. The animals are subject to
27 seizure and impoundment and may be sold or destroyed

28 b. Notwithstanding paragraph "a", a person who owns
29 or operates a commercial establishment and fails to meet
30 a standard of care required in section 162.10 or section
31 162.10A, subsection 1, is guilty of a serious misdemeanor if
32 the animal suffers a serious injury or death. However, the
33 person is guilty of an aggravated misdemeanor if the person has
34 previously been convicted of causing an animal serious injury
35 or death.

1 3. If a person who owns or operates a commercial
2 establishment fails to meet a standard of care required in
3 section 162.10 or section 162.10A, subsection 1, the department
4 may seize and impound any number of the animals as provided
5 by rules which shall be adopted by the department pursuant to
6 chapter 17A. The rules shall provide for the destruction of an
7 a seized and impounded animal by a humane method, including by
8 euthanasia if necessary. The department may petition district
9 court for a dispositional proceeding in the same manner as
10 provided in section 717B.4 and shall have the same rights and
11 remedies as provided to a county attorney bringing a petition
12 under that section.

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 GENERAL. Code chapter 162 provides for the regulation of
17 commercial establishments that hold an ownership or possessory
18 (custodial) interest in animals, other than animals used for
19 an agricultural purpose (Code section 162.1), as regulated by
20 the department of agriculture and land stewardship (DALs).
21 Commercial establishments include a number of types of
22 operations including commercial breeders and dealers which
23 are required to obtain a state license or, alternatively, a
24 permit if federally licensed. Commercial establishments also
25 include a pet shop which must obtain a state license. Finally,
26 a commercial establishment classified as a pound operated by a
27 political subdivision, animal shelter operated on a nonprofit
28 basis, and a research facility associated with a school of
29 medicine, must obtain a certificate of registration. A state
30 license, permit, or certificate is generally referred to as an
31 authorization. A commercial breeder includes a person engaged
32 in the business of breeding dogs for sale and a dealer includes
33 a person engaged in the business of buying dogs for resale. A
34 pet shop includes a person purchasing and selling dogs. All
35 commercial establishments are required to comply with standard

1 of care requirements (Code section 162.10A). These include
2 providing adequate feed, adequate housing facilities (primary
3 enclosures), sanitary control, or grooming practices (to the
4 extent that the lack of such practices causes adverse health
5 or suffering). It also includes providing the dog veterinary
6 care. DALs may inspect the commercial establishment of a state
7 licensee or certificate holder by entering onto its business
8 premises at any time during normal working hours (Code section
9 162.10B) and may review its records. Alternatively, DALs
10 monitors a permittee to determine whether the permittee is
11 complying with required standard of care requirements. All
12 entities are required to pay authorization fees which are
13 deposited in the commercial establishment fund (Code section
14 162.2C) which is reserved for use by DALs to administer
15 and enforce the Code chapter's provisions. The fee for a
16 certificate of registration is \$75 and the fee for a state
17 license or permit is \$175.

18 NEW TYPES OF QUALIFIED COMMERCIAL ESTABLISHMENTS. The bill
19 creates a number of new types of commercial establishments
20 required to obtain state licenses and therefore are subject
21 to inspection and recordkeeping requirements. The first
22 type of state licensee is a commercial breeder which is a
23 person who breeds five or more dogs and is in the business of
24 selling a specified number of dogs during a 12-month period. A
25 commercial breeder must obtain a state license (amended Code
26 section 162.8). A breeder other than a commercial breeder is
27 not subject to state regulation. The second type of state
28 licensee is a commercial dealer who is engaged in the business
29 of buying for resale five or more dogs or cats or both during
30 any 12-month period. A commercial dealer must obtain a state
31 license (new Code section 162.7A). A dealer who is not a
32 commercial dealer must still obtain either a state license or
33 permit (amended Code section 169.7). The third type of state
34 licensee is a commercial transporter engaged in the business
35 of transferring more than five dogs or cats, or both, from a

1 commercial breeder, or commercial dealer, or another commercial
2 transporter at any time during a 12-month period. A commercial
3 transporter must obtain a state license (new Code section
4 162.9). A transporter other than a commercial transporter is
5 not subject to regulation. These three new types of state
6 licensees together with pet shops are classified together as
7 qualified commercial establishments (Code section 162.2(22D)).

8 NEW COMMERCIAL ESTABLISHMENT — COMMERCIAL RESCUE. The bill
9 also creates another type of commercial establishment that is
10 not classified as qualified subject to special regulation. A
11 commercial rescue is not associated with a pound or animal
12 shelter, acts as a custodian of 10 or more dogs or cats, or
13 both, at any time during a 12-month period, and accepts dogs or
14 cats from five or more persons, not counting family members, or
15 who has taken custody of five or more dogs or cats which were
16 abandoned. An animal rescue must obtain a state license (new
17 Code section 162.8A).

18 COMMERCIAL BREEDERS — STATE LICENSE APPLICATION. The bill
19 requires a commercial breeder to include in a state license
20 application, information regarding the maximum number of dogs
21 (both adult and puppies) expected to be maintained by the
22 operation, evidence that the applicant can properly care for
23 the dogs, evidence of the applicant's financial responsibility
24 (e.g., surety bond), and a criminal background check. DALS
25 is required to disapprove an application if the applicant has
26 violated statutes or rules involving animal welfare.

27 FEES. With one exception, the fees for the new types of
28 commercial establishments are the same as for state licensees
29 or permittees. However, for commercial breeders, the fee
30 equals the ordinary fee for a licensee (base fee) plus an
31 additional amount calculated according to the number of puppies
32 that the commercial breeder sold during the previous licensing
33 period. The base amount equals \$175, and the scheduled amount
34 ranges from \$250 to \$750 (amended Code section 162.2B).

35 QUALIFIED COMMERCIAL ESTABLISHMENTS AND PET SHOPS —

1 DISCLOSURE STATEMENTS. A commercial breeder must provide
2 a purchaser of that dog with a disclosure statement which
3 includes information regarding the commercial breeder and
4 the health of the dog (e.g., a veterinary certificate issued
5 by a veterinarian). A copy of the disclosure statement must
6 accompany any future transfer of the dog to another qualified
7 commercial establishment (commercial breeder, commercial
8 dealer, commercial transporter, or pet shop) and any future
9 sale by one of these operations to a retail customer (amended
10 Code section 162.8). A qualified commercial establishment must
11 maintain a record of disclosure statements for three years.

12 COMMERCIAL BREEDERS — STANDARD OF CARE REQUIREMENTS. The
13 bill requires a commercial breeder to comply with additional
14 standard of care requirements which provide for a dog's daily
15 food and water supply, primary enclosures, and veterinary
16 care (new Code section 162.10). A number of these special
17 requirements govern the size and construction of the primary
18 enclosure which become effective on and after January 1,
19 2022. The new standard of care requirements govern dogs
20 maintained in both indoor and outdoor environments. Other
21 requirements govern how dogs, including dams, are confined, and
22 opportunities for dogs to exercise and interact with other dogs
23 and humans. DALs may adopt rules providing additional standard
24 of care requirements based on a number of factors, including
25 accepted management practices and veterinary medical standards.

26 COMMERCIAL BREEDERS — MICROCHIPS. The bill requires a
27 commercial breeder to install a microchip beneath the skin of a
28 dog that stores information regarding the dog, including its
29 health, in a digital format (amended Code section 162.5).

30 COMMERCIAL BREEDERS — INSPECTION REQUIREMENTS. The bill
31 requires DALs to inspect the business premises of a commercial
32 breeder at least once during each 12-month license period.
33 DALs may also appoint a veterinarian to conduct inspections as
34 the department's agent (new Code section 162.10B).

35 UNIFORM ENFORCEMENT. The bill provides that DALs is to

1 adopt rules providing criteria for the enforcement of the Code
2 chapter and must apply the criteria in a uniform manner (new
3 Code section 162.11A).

4 COMMERCIAL BREEDERS — DISCIPLINARY ACTION BASED ON A
5 FAILURE TO PAY TAXES. In taking disciplinary action against
6 a commercial breeder, DALs may suspend or revoke the person's
7 state license for failing to timely remit any sales or use
8 tax due to the department of revenue (amended Code section
9 162.10D).

10 COMMERCIAL BREEDERS — CIVIL PENALTIES. DALs currently
11 establishes, imposes, and assesses civil penalties for
12 violations of the Code chapter's provisions (amended Code
13 section 162.12A). A civil penalty applies up to \$500 per day
14 for a violation. For a housing violation, the civil penalty
15 is assessed for the first day, but not for the subsequent 15
16 days to allow for correction according to a departmental plan.
17 Under the bill, DALs must determine if a corrective plan is
18 appropriate. If DALs prepares and delivers a corrective plan
19 to the commercial establishment, it is prohibited from engaging
20 in its ordinary business activities until DALs verifies
21 that all corrections have been made after an inspection of
22 the business premises (amended Code section 162.12A). If a
23 commercial establishment fails to make a correction, DALs
24 must notify the county sheriff and county attorney having
25 jurisdiction over the matter and if there are multiple failures
26 to correct, DALs must also report the matter to the attorney
27 general.

28 COMMERCIAL BREEDERS — CRIMINAL PENALTIES. Generally, a
29 commercial establishment that fails to meet a standard of care
30 is guilty of a simple misdemeanor and DALs seizes and disposes
31 of any animals which have been mistreated. The bill provides
32 that a commercial breeder who fails to meet a standard of
33 care is guilty of a serious misdemeanor if the failure causes
34 a dog to suffer serious injury or death. The bill provides
35 that the person is guilty of an aggravated misdemeanor if the

1 person has previously been convicted of causing an animal
2 serious injury or death. In addition, DALS is authorized to
3 confiscate, impound, and dispose of all animals maintained by
4 the commercial establishment. DALS may petition district court
5 in the same manner as a county attorney may in cases of animal
6 abuse, animal neglect, or animal torture (Code section 717B.4).

7 A simple misdemeanor is punishable by confinement for no
8 more than 30 days or a fine of at least \$65 but not more than
9 \$625 or by both. A serious misdemeanor is punishable by
10 confinement for no more than one year and a fine of at least
11 \$315 but not more than \$1,875. An aggravated misdemeanor is
12 punishable by confinement for no more than two years and a fine
13 of at least \$625 but not more than \$6,250.