

House Study Bill 556 - Introduced

HOUSE FILE _____

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

A BILL FOR

1 An Act providing that a licensed veterinarian is immune
2 from administrative, civil, or criminal liability in
3 investigations or proceedings involving the mistreatment of
4 animals.

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

1 Section 1. Section 169.13, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. A licensed veterinarian immune
4 from administrative, civil, or criminal liability under
5 section 169.18A is not subject to disciplinary action under
6 this chapter. Any information disclosed by a licensed
7 veterinarian acting under section 169.18A is not subject to a
8 confidentiality requirement that would otherwise be applicable
9 to the licensed veterinarian under this chapter.

10 Sec. 2. NEW SECTION. 169.18A Immunity.

11 A licensed veterinarian, when acting in good faith and
12 in conformance within the minimal standard of acceptable and
13 prevailing practice of veterinary medicine as defined in rules
14 adopted by the board, is immune from administrative, civil,
15 or criminal liability which might otherwise be incurred or
16 imposed as a result of the licensed veterinarian doing any of
17 the following:

18 1. Cooperating with a peace officer as defined in section
19 801.4, in a matter relating to another person's conduct
20 that, if true, would constitute an offense punishable as a
21 misdemeanor or felony under chapter 717B, 717C, or 717D. The
22 licensed veterinarian may provide such cooperation in any
23 manner that assists the peace officer, including but not
24 limited to making a report to a peace officer or providing the
25 peace officer with information regarding the other person's
26 conduct.

27 2. Cooperating with a local authority or law enforcement
28 officer, as each is defined in section 717B.1, to rescue a
29 threatened animal as provided in section 717B.5.

30 3. Participating in a dispositional proceeding or complying
31 with a court order arising from the dispositional proceeding
32 as provided in section 717B.4.

33 4. Providing evidence in an administrative, civil,
34 or criminal case relating to another person's conduct
35 that, if true, would constitute an offense punishable as a

1 misdemeanor or felony under chapter 717B, 717C, or 717D. The
2 licensed veterinarian may provide answers in a deposition
3 or interrogatory, testimony, records as defined in section
4 554D.103, or other physical evidence.

5 Sec. 3. Section 670.4, subsection 1, Code 2020, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *On.* A claim based on an act by a licensed
8 veterinarian when assisting a municipality in rescuing a
9 threatened animal as provided in section 717B.5, if the
10 licensed veterinarian is immune from administrative, criminal,
11 or civil liability as provided in section 169.18A.

12 EXPLANATION

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

15 IMMUNITY FROM LIABILITY. This bill amends provisions
16 in Code chapter 169, the "Iowa Veterinary Practice Act",
17 by providing that a licensed veterinarian is immune from
18 administrative, civil, or criminal liability for actions
19 taken while assisting in the investigation or prosecution of
20 another person for conduct that, if true, would constitute an
21 offense punishable as a misdemeanor or felony under several
22 Code chapters. Code chapter 717B prohibits various forms
23 of animal mistreatment, including abuse, neglect, torture,
24 and injuring or interfering with a police service dog; Code
25 chapter 717C prohibits bestiality; and Code chapter 717D
26 prohibits animal contest events. The licensed veterinarian is
27 shielded from administrative, civil, or criminal liability for
28 cooperating in a criminal investigation; assisting a county
29 or city in rescuing a threatened animal; participating in a
30 civil proceeding to determine the disposition of an animal or
31 complying with a court order arising from that proceeding; or
32 providing evidence in an administrative, civil, or criminal
33 proceeding. The bill provides that the licensed veterinarian
34 is not subject to professional discipline by the Iowa
35 veterinary board for taking action that shields the licensed

1 veterinarian from liability. Finally, the bill provides that
2 a licensed veterinarian is immune from liability from a claim
3 based on an act by the licensed veterinarian while assisting a
4 municipality in rescuing a threatened animal.

5 BACKGROUND. The offenses in Code chapter 717B apply
6 generally to all nonhuman vertebrate animals, including dogs
7 and cats, unless specifically excluded. It does not apply to
8 livestock (Code chapter 717); game, fur-bearing animals, fish,
9 reptiles, or amphibians (Code chapter 481A), unless such animal
10 is owned, confined, or controlled by a person; or nongame
11 animals declared to be a nuisance by the natural resource
12 commission (Code chapter 481A). A local authority (city or
13 county) may rescue a threatened animal and a court may provide
14 for the disposition of that animal. A threatened animal
15 is an animal that has been abused, neglected, or tortured.
16 Code chapter 717C applies to any nonhuman vertebrate animal
17 without exception and the offense involves a person's sexual
18 contact with the animal. Code chapter 717D also applies to any
19 nonhuman vertebrate animal without exception and the offense
20 involves a person participating in an event organized for
21 entertainment or profit where any animal is injured, tormented,
22 or killed.