

**Senate File 2135 - Introduced**

SENATE FILE 2135

BY COURNOYER

**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 2022, 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 2022, 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.