

Senate Study Bill 1195 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON ZUMBACH)

A BILL FOR

1 An Act limiting local legislation that prohibits the operation
2 of an animal enterprise or the use of a working animal.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 189.32 Limits on local legislation
2 — animal enterprises and working animals.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Animal" means any nonhuman vertebrate life form.

6 b. (1) "Animal enterprise" means a commercial or academic
7 enterprise that uses or sells animals or animal products for
8 profit, food or fiber production, agriculture, education,
9 research, or testing.

10 (2) "Animal enterprise" includes but is not limited to any
11 of the following:

12 (a) A zoo, aquarium, commercial establishment as defined
13 in section 162.2, furrier, circus, or person licensed by the
14 United States department of agriculture as provided in 9 C.F.R.
15 ch. 1.

16 (b) A domesticated animal event as defined in section 673.1
17 or lawful competitive animal event.

18 (c) Any event intended to exhibit or advance agricultural
19 arts and sciences.

20 c. "Financial hardship" means to impose a change of the
21 financial condition of a person that causes a significant and
22 prolonged disruption to the person's ability to meet regular
23 expenses and service existing debts by using the person's
24 current net income.

25 d. "Local governmental entity" means any political
26 subdivision, or any state authority which is not the general
27 assembly, a court, or under the direction of a principal
28 central department as enumerated in section 7E.5, including
29 a city as defined in section 362.2, a county as provided in
30 chapter 331, or any special purpose district.

31 e. "Local legislation" means any ordinance, motion,
32 resolution, amendment, regulation, or rule adopted by a local
33 governmental entity.

34 f. "Working animal" means an animal used for performing
35 a specific duty or function in commerce, including but not

1 limited to entertainment, transportation, education, or
2 exhibition.

3 2. *a.* Notwithstanding any provision of law to the contrary,
4 a local governmental entity shall not adopt, administer,
5 enforce, or continue in effect local legislation in a manner
6 that prohibits or effectively prohibits the operation of an
7 animal enterprise or the use of a working animal.

8 *b.* Local legislation effectively prohibits the operation
9 of an animal enterprise or use of a working animal if the
10 local legislation would cause a person operating the animal
11 enterprise or using the working animal to incur a financial
12 hardship.

13 3. Local legislation described in subsection 2 that was
14 adopted prior to the effective date of this Act is void and
15 unenforceable on and after the effective date of this Act.

16 4. This section does not apply to limit a local governmental
17 entity from adopting, administering, enforcing, or continuing
18 in effect local legislation, if the local legislation is to
19 administer or enforce a state or federal law and the state or
20 federal government allows or requires the local legislation.

21 **Sec. 2. NEW SECTION. 331.304B Limits on county legislation**
22 **— animal enterprises and working animals.**

23 County legislation that regulates an animal enterprise or
24 working animal is preempted by state law as provided in section
25 189.32.

26 **Sec. 3. NEW SECTION. 380.12 Limits on city legislation —**
27 **animal enterprises and working animals.**

28 City legislation that regulates an animal enterprise or
29 working animal is preempted by state law as provided in section
30 189.32.

31 **EXPLANATION**

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

34 This bill limits a local governmental entity such as a county
35 or city from adopting, administering, enforcing, or continuing

1 in effect local legislation that prohibits or effectively
2 prohibits the operation of an animal enterprise or the use of a
3 working animal. The test to determine an effective prohibition
4 is whether it imposes a financial hardship.

5 The bill provides that an animal enterprise is a commercial
6 or academic enterprise that uses or sells animals or animal
7 products for profit, food or fiber production, agriculture,
8 education, research, or testing. A working animal is an animal
9 used to perform a specific duty or function in commerce.

10 The bill's limitation does not prevent a local governmental
11 entity from administering or enforcing a state or federal law
12 if the local government entity is required or allowed by the
13 state or federal government to do so.