

Senate Study Bill 1038 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act providing for the conduct of licensed veterinarians when
2 involved in certain legal matters involving the alleged
3 mistreatment of animals, including by providing for immunity
4 from administrative, civil, or criminal liability when
5 acting in good faith; providing for administrative, civil,
6 or criminal liability when not acting in good faith; and
7 making penalties applicable.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 169.3, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8A. "*Peace officer*" means the same as
4 defined in section 801.4.

5 Sec. 2. Section 169.13, Code 2023, is amended by adding the
6 following new subsection:

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

14 Sec. 3. NEW SECTION. 169.18A **Immunity — limitations —**
15 **administrative, civil, and criminal liability.**

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

23 a. Cooperating with a peace officer in a matter relating
24 to the alleged conduct of a licensed veterinarian's client
25 that, if true, would constitute an offense punishable as a
26 misdemeanor or felony under chapter 717B, 717C, or 717D. The
27 licensed veterinarian may provide such cooperation in any
28 manner that assists the peace officer, including but not
29 limited to making a report to a peace officer or providing the
30 peace officer with information regarding the alleged conduct.

31 b. Cooperating with a local authority or law enforcement
32 officer, as each is defined in section 717B.1, to rescue a
33 threatened animal as provided in section 717B.5.

34 c. Participating in a dispositional proceeding or complying
35 with a court order arising from the dispositional proceeding

1 as provided in section 717B.4.

2 *d.* Providing competent and truthful evidence in an
3 administrative, civil, or criminal case relating to another
4 person's conduct that, if true, would constitute an offense
5 punishable as a misdemeanor or felony under chapter 717B, 717C,
6 or 717D. The licensed veterinarian may provide answers in a
7 deposition or interrogatory, testimony, record as defined in
8 section 554.1201, or other physical evidence.

9 2. A licensed veterinarian who knowingly makes a false
10 report to a peace officer or knowingly provides the peace
11 officer with false information regarding a client's alleged
12 conduct as provided in subsection 1, paragraph "a", is not
13 acting in good faith, is subject to disciplinary action by the
14 board, is civilly liable for damages proximately caused by
15 making such report or providing such information to a peace
16 officer, and is guilty of a simple misdemeanor.

17 Sec. 4. Section 670.4, subsection 1, Code 2023, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *On.* A claim based on an act by a licensed
20 veterinarian when assisting a municipality in rescuing a
21 threatened animal as provided in section 717B.5, if the
22 licensed veterinarian is immune from administrative, criminal,
23 or civil liability as provided in section 169.18A, subsection
24 1.

25 EXPLANATION

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

28 IMMUNITY FROM LIABILITY — LIMITATIONS — ADMINISTRATIVE,
29 CIVIL, AND CRIMINAL LIABILITY. This bill amends provisions
30 in Code chapter 169, the Iowa veterinary practice Act, by
31 providing that a licensed veterinarian who acts in good faith
32 is immune from administrative, civil, or criminal liability
33 for actions involving cases of alleged animal misconduct
34 under several Code chapters. Code chapter 717B prohibits
35 various forms of animal mistreatment, including abuse,

1 neglect, torture, and injuring or interfering with a police
2 service dog; Code chapter 717C prohibits bestiality; and Code
3 chapter 717D prohibits animal contest events. The licensed
4 veterinarian is shielded from civil or criminal liability for
5 cooperating in a criminal investigation including by making a
6 report to a peace officer or providing the peace officer with
7 information regarding a client's conduct; assisting a county
8 or city in rescuing a threatened animal; participating in a
9 civil proceeding to determine the disposition of an animal or
10 complying with a court order arising from that proceeding; or
11 providing evidence in an administrative, civil, or criminal
12 proceeding. However, the bill also provides that a licensed
13 veterinarian who knowingly makes a false report to a peace
14 officer or knowingly provides the peace officer with false
15 information regarding a client's conduct is not acting in good
16 faith, is subject to disciplinary action by the board, is
17 civilly liable for damages proximately caused by making such
18 report or providing such information to a peace officer, and
19 is guilty of a simple misdemeanor. A simple misdemeanor is
20 punishable by confinement for no more than 30 days and a fine
21 of at least \$105 but not more than \$855.

22 A veterinarian is defined as any person who has received a
23 doctor of veterinary medicine degree or its equivalent from an
24 accredited or approved college of veterinary medicine (Code
25 section 169.3(11)) as compared to a licensed veterinarian
26 who also meets the exam requirements to practice veterinary
27 medicine or as otherwise prescribed by the board (Code sections
28 169.9 and 169.10).

29 BACKGROUND. The offenses in Code chapter 717B apply
30 generally to all nonhuman vertebrate animals, including dogs
31 and cats, unless specifically excluded. It does not apply to
32 livestock (Code chapter 717); game, fur-bearing animals, fish,
33 reptiles, or amphibians (Code chapter 481A), unless such animal
34 is owned, confined, or controlled by a person; or nongame
35 animals declared to be a nuisance by the natural resource

1 commission (Code chapter 481A). A local authority (city or
2 county) may rescue a threatened animal and a court may provide
3 for the disposition of that animal. A threatened animal
4 is an animal that has been abused, neglected, or tortured.
5 Code chapter 717C applies to any nonhuman vertebrate animal
6 without exception and the offense involves a person's sexual
7 contact with the animal. Code chapter 717D also applies to any
8 nonhuman vertebrate animal without exception and the offense
9 involves a person participating in an event organized for
10 entertainment or profit where any animal is injured, tormented,
11 or killed.