

House File 2298 - Introduced

HOUSE FILE 2298

BY FETT

A BILL FOR

- 1 An Act providing for the regulation of commercial establishments
- 2 possessing or controlling nonagricultural animals, providing
- 3 penalties, and making penalties applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 162.2, subsection 7, Code 2026, is amended
2 by striking the subsection.

3 Sec. 2. Section 162.2, subsections 8 and 9, Code 2026, are
4 amended to read as follows:

5 8. a. "Commercial breeder" means a person, engaged in the
6 business of breeding dogs or cats, who sells, exchanges, or
7 leases dogs or cats in return for consideration, or who offers to
8 do so, whether or not the animals are raised, trained, groomed,
9 or boarded by the person. A

10 b. Notwithstanding paragraph "a", "commercial breeder" does
11 not mean a person who owns or harbors ~~three~~ six or fewer breeding
12 males or females ~~is not a commercial breeder.~~

13 9. "Commercial establishment" or "establishment" means an
14 animal shelter, ~~boarding kennel,~~ commercial breeder, commercial
15 kennel, dealer, pet shop, pound, public auction, or research
16 facility.

17 Sec. 3. Section 162.2, subsection 26, paragraph a, Code 2026,
18 is amended to read as follows:

19 a. A ~~boarding kennel,~~ commercial kennel, or pet shop to whom
20 a state license is issued by the department pursuant to section
21 162.2A.

22 Sec. 4. Section 162.2A, subsection 1, paragraph b, Code 2026,
23 is amended to read as follows:

24 b. A state license for a ~~boarding kennel,~~ commercial kennel,
25 or pet shop.

26 Sec. 5. Section 162.4A, Code 2026, is amended to read as
27 follows:

28 **162.4A Operation of a research facility — certificate of**
29 **registration.**

30 A research facility shall only operate pursuant to a
31 certificate of registration issued by the department as provided
32 in section 162.2A. The research facility shall maintain records
33 as required by the department in order for the department to
34 ensure the research facility's compliance with the provisions of
35 this chapter. A research facility shall not purchase a dog or

1 cat from a commercial establishment that does not have a valid
2 authorization issued or renewed under this chapter ~~or a similar~~
3 ~~authorization issued or renewed by another state.~~

4 Sec. 6. Section 162.5, Code 2026, is amended to read as
5 follows:

6 **162.5 Operation of a pet shop — state license.**

7 A pet shop shall only operate pursuant to a state license
8 issued or renewed by the department pursuant to section 162.2A.
9 The pet shop shall maintain records as required by the
10 department in order for the department to ensure the pet shop's
11 compliance with the provisions of this chapter. A pet shop shall
12 not purchase a dog or cat from a commercial establishment that
13 does not have a valid authorization issued or renewed under this
14 chapter ~~or a similar authorization issued or renewed by another~~
15 ~~state.~~

16 Sec. 7. Section 162.6, Code 2026, is amended to read as
17 follows:

18 **162.6 Operation of a commercial kennel — state license.**

19 A commercial kennel shall only operate pursuant to a state
20 license issued or renewed by the department as provided in
21 section 162.2A. A commercial kennel shall maintain records
22 as required by the department in order for the department to
23 ensure the commercial kennel's compliance with the provisions of
24 this chapter. A commercial kennel shall not purchase a dog or
25 cat from a commercial establishment that does not have a valid
26 authorization issued or renewed under this chapter ~~or a similar~~
27 ~~authorization issued or renewed by another state.~~

28 Sec. 8. Section 162.7, Code 2026, is amended to read as
29 follows:

30 **162.7 Operation of a dealer — state license or permit.**

31 A dealer shall only operate pursuant to a state license, or
32 a permit, issued or renewed by the department as provided in
33 section 162.2A. A dealer who is a state licensee shall maintain
34 records as required by the department in order for the department
35 to ensure compliance with the provisions of this chapter. A

1 dealer who is a permittee may but is not required to maintain
2 records. A dealer shall not purchase a dog or cat from a
3 commercial establishment that does not have a valid authorization
4 issued or renewed under this chapter ~~or a similar authorization~~
5 ~~issued or renewed by another state.~~

6 Sec. 9. Section 162.8, Code 2026, is amended to read as
7 follows:

8 **162.8 Operation of a commercial breeder — state license or**
9 **permit.**

10 A commercial breeder shall only operate pursuant to a state
11 license, or a permit, issued or renewed by the department as
12 provided in section 162.2A. A commercial breeder who is a state
13 licensee shall maintain records as required by the department
14 in order for the department to ensure the commercial breeder's
15 compliance with the provisions of this chapter. A commercial
16 breeder who is a permittee may but is not required to maintain
17 records. A commercial breeder shall not purchase a dog or
18 cat from a commercial establishment that does not have a valid
19 authorization issued or renewed under this chapter ~~or a similar~~
20 ~~authorization issued or renewed by another state.~~

21 Sec. 10. Section 162.9A, Code 2026, is amended to read as
22 follows:

23 **162.9A Operation of a public auction — state license or**
24 **permit.**

25 A public auction shall only operate pursuant to a state
26 license, or a permit, issued or renewed by the department as
27 provided in section 162.2A. A public auction ~~which~~ that is
28 a state licensee shall maintain records as required by the
29 department in order for the department to ensure the public
30 auction's compliance with the provisions of this chapter. A
31 public auction ~~which~~ that is a permittee may but is not required
32 to maintain records. A public auction shall not purchase a dog
33 or cat from a commercial establishment that does not have a valid
34 authorization issued or renewed under this chapter ~~or a similar~~
35 ~~authorization issued or renewed by another state.~~

1 Sec. 11. Section 162.10B, Code 2026, is amended to read as
2 follows:

3 **162.10B Commercial establishments — inspecting state**
4 **licensees and registrants.**

5 1. The department may inspect the commercial establishment
6 of a registrant or state licensee by entering onto its business
7 premises at any time during normal working hours. The department
8 may inspect records required to be maintained by the state
9 licensee or registrant as provided in this chapter. If the
10 owner or person in charge of the commercial establishment refuses
11 admittance, the department may obtain an administrative search
12 warrant issued under section 808.14.

13 2. a. The number of regularly scheduled inspections of
14 a commercial establishment conducted by the department under
15 subsection 1 shall correspond to a tier assigned to the
16 commercial establishment by the department. The department shall
17 establish two or more tiers based on factors that assess the
18 level of risk that commercial establishments assigned to that
19 tier may violate the standard of care requirements described in
20 section 162.10A, subsection 1, to a degree that endangers the
21 health of an animal in the possession or under the control of the
22 commercial establishment.

23 b. Paragraph "a" does not limit the department from
24 conducting an unscheduled inspection as necessary to ensure a
25 commercial establishment is complying with the requirements of
26 this chapter.

27 c. If the department determines that there is credible
28 evidence that a commercial establishment may be violating a
29 standard of care requirement as described in section 162.10A,
30 subsection 1, the department shall inspect the commercial
31 establishment within twenty-four hours of the time that it made
32 the determination.

33 Sec. 12. Section 162.10D, Code 2026, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 01. a. The department may suspend or revoke

1 an authorization issued or renewed to a commercial establishment
2 under this chapter for a violation of a provision of this
3 chapter.

4 b. A violation of this chapter includes any of the following:

5 (1) The refusal by a commercial establishment operating as a
6 registrant or state licensee to allow the department to conduct
7 an inspection pursuant to a search warrant.

8 (2) The effort of a person associated with the commercial
9 establishment operating as a registrant or state licensee to
10 interfere with an inspection.

11 Sec. 13. Section 162.11, subsection 2, Code 2026, is amended
12 to read as follows:

13 2. This chapter does not apply to a place or establishment
14 ~~which~~ that operates under the immediate supervision of a duly
15 licensed veterinarian as a hospital where animals are harbored,
16 hospitalized, and cared for incidental to the treatment,
17 prevention, or alleviation of disease processes during the
18 routine practice of the profession of veterinary medicine.
19 However, if animals are accepted by such a place, establishment,
20 or hospital for boarding or grooming for a consideration, the
21 place, establishment, or hospital is subject to the licensing
22 or registration requirements applicable to a ~~boarding kennel or~~
23 commercial kennel under this chapter and the rules adopted by the
24 secretary.

25 Sec. 14. Section 162.12, Code 2026, is amended to read as
26 follows:

27 **162.12 Denial or revocation of license or registration.**

28 A certificate of registration may be denied to any animal
29 shelter, pound, or research facility and a state license may
30 be denied to any public auction, ~~boarding kennel,~~ commercial
31 kennel, pet shop, commercial breeder, or dealer, or an existing
32 certificate of registration or state license may be revoked by
33 the secretary if, after public hearing, it is determined that
34 the housing facilities or primary enclosures are inadequate under
35 this chapter or if the feeding, watering, cleaning, and housing

1 practices at the pound, animal shelter, public auction, pet shop,
2 ~~boarding kennel~~, commercial kennel, or research facility, or
3 those practices by the commercial breeder or dealer, are not in
4 compliance with this chapter or with the rules adopted pursuant
5 to this chapter. The premises of each registrant or state
6 licensee shall be open for inspection during normal business
7 hours.

8 Sec. 15. Section 162.12A, Code 2026, is amended to read as
9 follows:

10 **162.12A Civil penalties.**

11 1. a. The department shall establish, impose, and assess
12 civil penalties for violations of this chapter.

13 b. A violation of this chapter includes any of the following:

14 (1) The refusal by a commercial establishment to allow the
15 department acting pursuant to a warrant to inspect the commercial
16 establishment as provided in section 162.10D.

17 (2) The effort of a person associated with the commercial
18 establishment to interfere with a department's inspection as
19 provided in section 162.10D.

20 c. The department may by rule establish a schedule of civil
21 penalties for violations of this chapter.

22 d. All civil penalties collected under this section shall be
23 deposited into the general fund of the state.

24 ~~1.~~ 2. a. A commercial establishment that operates pursuant
25 to an authorization issued or renewed under this chapter is
26 subject to a civil penalty of not more than five hundred dollars,
27 regardless of the number of animals possessed or controlled by
28 the commercial establishment, for violating this chapter. Except
29 as provided in paragraph "b", each day that a violation continues
30 shall be deemed a separate offense.

31 b. This paragraph applies to a commercial establishment
32 that violates a standard of care involving housing as provided
33 in section 162.10A. The departmental official who makes a
34 determination that a violation exists shall provide a corrective
35 plan to the commercial establishment describing how the violation

1 will be corrected within a compliance period of not more than
 2 fifteen days from the date of approval by the official of the
 3 corrective plan. The civil penalty shall not exceed five hundred
 4 dollars for the first day of the violation. After that day, the
 5 department shall not impose a civil penalty for the violation
 6 during the compliance period. The department shall not impose
 7 an additional civil penalty, unless the commercial establishment
 8 fails to correct the violation by the end of the compliance
 9 period. If the commercial establishment fails to correct the
 10 violation by the end of the compliance period, each day that the
 11 violation continues shall be deemed a separate offense.

12 ~~2.~~ 3. A commercial establishment that does not operate
 13 pursuant to an authorization issued or renewed under this chapter
 14 is subject to a civil penalty of not more than one thousand
 15 dollars, regardless of the number of animals possessed or
 16 controlled by the commercial establishment, for violating this
 17 chapter. Each day that a violation continues shall be deemed a
 18 separate offense.

19 Sec. 16. Section 162.19, Code 2026, is amended to read as
 20 follows:

21 **162.19 Abandoned animals destroyed.**

22 1. Whenever any animal is left with a veterinarian, ~~boarding~~
 23 ~~kennel~~ or commercial kennel pursuant to a written agreement and
 24 the owner does not claim the animal by the agreed date, the
 25 animal shall be deemed abandoned, and a notice of abandonment
 26 and its consequences shall be sent within seven days by certified
 27 mail to the last known address of the owner. For fourteen days
 28 after mailing of the notice the owner shall have the right to
 29 reclaim the animal upon payment of all reasonable charges, and
 30 after the fourteen days the owner shall be deemed to have waived
 31 all rights to the abandoned animal. If despite diligent effort
 32 an owner cannot be found for the abandoned animal within another
 33 seven days, the veterinarian, ~~boarding kennel~~, or commercial
 34 kennel may humanely destroy the abandoned animal.

35 2. Each veterinarian, ~~boarding kennel~~ or commercial kennel

1 shall warn its patrons of the provisions of this section by a
2 conspicuously posted notice or by conspicuous type in a written
3 receipt.

4 Sec. 17. Section 717A.1, subsection 5, paragraph g, Code
5 2026, is amended by striking the paragraph.

6 Sec. 18. REPEAL. Section 162.5A, Code 2026, is repealed.

7 EXPLANATION

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

10 BACKGROUND — GENERAL. This bill amends Code chapter 162,
11 which authorizes the department of agriculture and land
12 stewardship (DALs) to regulate commercial establishments that
13 possess or control nonagricultural animals (Code section 162.1),
14 including dogs and cats. The types of regulated commercial
15 establishments include animal shelters, boarding kennels,
16 commercial breeders, commercial kennels, dealers, pet shops,
17 pounds, public auctions, and research facilities (Code section
18 162.2). A commercial establishment operates under one of three
19 types of authorizations: (1) a certificate of registration
20 for a pound, animal shelter, or research facility; (2) a state
21 license for a boarding kennel, commercial kennel, or pet shop;
22 and (3) a state license or a permit for a commercial breeder,
23 dealer, or public auction. A permit is issued to a commercial
24 breeder, dealer, or public auction in lieu of a license if the
25 commercial establishment is federally licensed by the United
26 States department of agriculture pursuant to the federal Animal
27 Welfare Act (see Code section 162.2(5)).

28 BACKGROUND — STANDARD OF CARE. A commercial establishment
29 must ensure that an animal in its possession or under its
30 control is provided an adequate standard of care, including
31 adequate feed, adequate water, housing facilities, sanitary
32 control, grooming practices affecting the health of the animal,
33 and veterinary care (Code section 162.10A).

34 BACKGROUND — INSPECTIONS. DALs may inspect a registrant or
35 state licensee by entering onto its business premises and may

1 inspect its records (Code section 162.10B). DALs may monitor a
2 permittee by entering onto its business premises for the limited
3 purpose of determining whether the permittee is providing for the
4 required standard of care (Code section 162.10C).

5 BACKGROUND — DISCIPLINARY ACTIONS. DALs may take disciplinary
6 action against a commercial establishment by suspending or
7 revoking the commercial establishment's authorization (Code
8 section 162.10D).

9 BACKGROUND — PENALTIES. A commercial establishment that
10 operates pursuant to an authorization is subject to a civil
11 penalty of not more than \$500 for a violation of the
12 Code chapter, regardless of the number of animals possessed
13 or controlled by the commercial establishment (Code section
14 162.12A). A commercial establishment that does not operate
15 pursuant to an authorization issued or renewed under the Code
16 chapter is subject to a civil penalty of not more than \$1,000
17 for a violation of the Code chapter, regardless of the number of
18 animals possessed or controlled by the commercial establishment.
19 A person who operates a commercial establishment without an
20 authorization issued or renewed by DALs is guilty of a simple
21 misdemeanor and each day of operation is a separate offense (Code
22 section 162.13). A person who violates a standard of care is
23 also guilty of a simple misdemeanor. A simple misdemeanor is
24 punishable by confinement for no more than 30 days and a fine of
25 at least \$105 but not more than \$855 (Code section 162.13).

26 BILL'S PROVISIONS — TYPES OF COMMERCIAL ESTABLISHMENTS. Under
27 current law, a commercial breeder is a person who is engaged in
28 the business of breeding more than three male or female dogs or
29 cats. The bill increases that exception to more than six male
30 or female dogs or cats. Under current law, a commercial kennel
31 is a business that performs grooming, boarding, or training
32 services for dogs or cats and a boarding kennel is a commercial
33 establishment that shelters and maintains dogs or cats. The
34 bill eliminates a boarding kennel as a type of commercial
35 establishment subject to regulation.

1 BILL'S PROVISIONS — OUT-OF-STATE AUTHORIZATIONS. The bill
2 provides that a commercial establishment is no longer able to do
3 business in this state under an authorization issued or renewed
4 by another state.

5 BILL'S PROVISIONS — INSPECTIONS. The bill provides
6 requirements for regularly scheduled inspections of a commercial
7 establishment that is operated by a registrant or state licensee.
8 DALS is required to establish scheduled inspection tiers based
9 on factors that assess the level of risk that a commercial
10 establishment may violate the standard of care requirements.
11 The bill's provisions do not limit DALS from conducting an
12 unscheduled inspection as necessary to ensure compliance with
13 the requirements of the Code chapter, including standard of care
14 requirements. DALS must conduct an inspection of a commercial
15 establishment within 24 hours of the time that it makes a
16 determination that there is credible evidence that the commercial
17 establishment has violated a standard of care requirement.

18 BILL'S PROVISIONS — DISCIPLINARY ACTION. The bill provides
19 that DALS may suspend or revoke a registration or state license
20 issued or renewed to a commercial establishment due to the
21 commercial establishment's refusal to allow DALS to conduct an
22 inspection or due to the interference of an inspection by a
23 person associated with the commercial establishment.

24 BILL'S PROVISIONS — CIVIL PENALTIES. The bill provides that
25 a commercial establishment operating under a registration or
26 state license that fails to allow DALS to conduct an inspection
27 or a person associated with the commercial establishment who
28 interferes with the inspection is subject to a civil penalty.