

House File 474 - Introduced

HOUSE FILE 474

BY JACOBY

A BILL FOR

1 An Act relating to the treatment of animals other than
2 agricultural animals by providing for the inspection or
3 monitoring of commercial establishments by the department
4 of agriculture and land stewardship, and making penalties
5 applicable.

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

unofficial

1 Section 1. Section 162.10B, Code 2025, is amended to read as
2 follows:

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

5 1. The department may shall inspect the commercial
6 establishment of a registrant or state licensee by entering on
7 a priority and scheduled basis.

8 2. a. The department shall inspect a commercial
9 establishment on a priority basis according to criteria
10 determined relevant by the department.

11 b. The department shall enter onto its the business premises
12 at any time during normal working hours of the registrant or
13 state licensee. The department shall determine whether the
14 registrant or state licensee is complying with section 162.10A.

15 c. The department may inspect records required to be
16 maintained by the state licensee or registrant as provided in
17 this chapter.

18 d. The department must inspect the commercial establishment
19 during normal business hours.

20 e. The department shall inspect the commercial establishment
21 regardless of when the department inspected the commercial
22 establishment on a scheduled basis.

23 3. The department shall inspect a commercial establishment on
24 a scheduled basis subject to all of the following:

25 a. The department is limited to entering onto the business
26 premises of a state licensee operating as a commercial breeder.

27 b. The department must enter on the business premises of the
28 state licensee once each twelve-month period.

29 c. The department must inspect the commercial establishment
30 during normal business hours.

31 d. The department shall determine whether the state licensee
32 is complying with section 162.10A.

33 e. The department may inspect records required to be
34 maintained by the state licensee.

35 4. If the owner or person in charge of the commercial

1 establishment ~~admittance~~ to allow an inspection under
2 this section, the department may obtain an administrative search
3 warrant issued under section 808.14. The person shall comply
4 with the search warrant.

5 Sec. 2. Section 162.10C, Code 2025, is amended to read as
6 follows:

7 **162.10C Commercial establishments — monitoring permittees.**

8 1. The department ~~may~~ shall monitor the commercial
9 establishment of a permittee ~~by entering onto its business~~
10 ~~premises at any time during normal working hours for the~~
11 limited purpose of determining whether the permittee is
12 providing for a standard of care required for permittees under
13 section 162.10A. ~~The department shall monitor the commercial~~
14 ~~establishment for the limited purpose of determining whether~~
15 ~~the permittee is providing for a standard of care required for~~
16 ~~permittees under section 162.10A.~~ ~~If the owner or person in~~
17 ~~charge of the commercial establishment refuses admittance, the~~
18 ~~department may obtain an administrative search warrant issued~~
19 ~~under section 808.14.~~

20 2. ~~In order to enter onto the business premises of a~~
21 ~~permittee's commercial establishment,~~ The department shall
22 inspect the commercial establishment of a permittee on a priority
23 and scheduled basis.

24 3. a. The department shall monitor a commercial
25 establishment on a priority basis, if the department ~~must~~ has ~~have~~
26 reasonable cause to suspect that the permittee is not
27 providing for the standard of care required for permittees under
28 section 162.10A.

29 (1) Reasonable cause must be supported by any of the
30 following:

31 ~~a.~~ (a) An oral or written complaint received by the
32 department by a person. The complainant must provide
33 the complainant's name and address and telephone number.
34 Notwithstanding chapter 22, the department's record of a
35 complaint is confidential, unless any of the following apply:

1 ~~(1)~~ (i) The results of the monitoring are used in a
2 contested case proceeding as provided in chapter 17A or in a
3 judicial proceeding.

4 ~~(2)~~ (ii) The record is sought in discovery in any
5 administrative, civil, or criminal case.

6 ~~(3)~~ (iii) The department's record of a complaint is filed by
7 a person other than an individual.

8 ~~b.~~ (b) A report prepared by a person employed by the United
9 States department of agriculture that requires a permittee to
10 take action necessary to correct a breach of standard of care
11 required of federal licensees by the Animal Welfare Act or of
12 permittees by section 162.10A. The department is not required
13 to dedicate any number of hours to viewing or analyzing such
14 reports.

15 ~~3.~~ (2) When carrying out this section paragraph, the
16 department may cooperate with the United States department of
17 agriculture. The department shall report any findings resulting
18 in an enforcement action under section 162.10D to the United
19 States department of agriculture.

20 b. If the department has reasonable cause, it shall enter
21 onto the business premises of the permittee. The department
22 shall inspect a commercial establishment subject to all of the
23 following:

24 (1) The department shall determine whether the permittee is
25 complying with section 162.10A.

26 (2) The department must inspect the commercial establishment
27 during normal business hours.

28 (3) The department shall inspect the commercial establishment
29 regardless of when the department inspected the commercial
30 establishment on a scheduled basis.

31 4. The department shall inspect a commercial establishment on
32 a scheduled basis subject to all of the following:

33 a. The department is limited to entering onto the business
34 premises of a permittee operating as a commercial breeder.

35 b. The department must enter onto the business premises of

1 the permittee once each twelve-month period.

2 c. The department must inspect the commercial establishment
3 during normal business hours.

4 d. The department shall determine whether the permittee is
5 complying with section 162.10A.

6 5. If the owner or person in charge of the commercial
7 establishment refuses to allow the inspection under this section,
8 the department may obtain an administrative search warrant issued
9 under section 808.14. The person shall comply with the search
10 warrant.

11 EXPLANATION

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

14 BACKGROUND — GENERAL. This bill amends Code chapter 162,
15 which provides for the regulation of commercial establishments
16 that possess or control animals, other than animals used for
17 an agricultural purpose (Code section 162.1). The Code chapter
18 is administered and enforced by the department of agriculture
19 and land stewardship (DALs). DALs issues various forms of
20 authorizations according to the type of commercial establishment
21 regulated, with each type subject to a separate fee (Code section
22 162.2B). An animal shelter, pound, or research facility is issued
23 a certificate of registration (Code sections 162.3, 162.4, and
24 162.4A); a pet shop, boarding kennel, or commercial kennel is
25 issued a state license (Code sections 162.5, 162.5A, and 162.6);
26 and a dealer, commercial breeder, or public auction may elect
27 to be issued a state license or a permit. However, in order
28 to be issued a permit, the dealer, commercial breeder, or public
29 auction must be licensed under the federal Animal Welfare Act
30 (7 U.S.C. ch. 54) by the United States department of agriculture
31 (USDA) (Code sections 162.7, 162.8, and 162.9A).

32 BACKGROUND — REQUIREMENTS. A registrant or state licensee
33 (registrant/state licensee) is required to maintain business
34 records (records) while a permittee may but is not required
35 to maintain those records. The Code chapter requires that

1 a commercial establishment must ensure that an animal in its
2 possession or under its control is provided a minimum standard of
3 care (adequate feed, adequate water, housing facilities, sanitary
4 control, grooming, and veterinary care) (Code section 162.10A). A
5 commercial establishment must comply with DALs' rules. However,
6 the standard of care for a permittee cannot be more restrictive
7 than the federal Animal Welfare Act.

8 BACKGROUND — ENTERING ONTO THE BUSINESS PREMISES OF A
9 COMMERCIAL ESTABLISHMENT. DALs may inspect a registrant/state
10 licensee by entering onto its business premises and may inspect
11 its records (Code section 162.10B). Alternatively, DALs may
12 monitor a permittee by entering onto its business premises
13 for the limited purpose of determining whether the permittee
14 is providing for the required standard of care (Code section
15 162.10C). In order to enter onto the premises of a permittee,
16 DALs must have reasonable cause supported by an oral or written
17 complaint or a report filed by the USDA.

18 BACKGROUND — REGULATION OF COMMERCIAL BREEDERS. A commercial
19 establishment that possesses or controls dogs or cats as a
20 commercial breeder operates either as a registrant/state licensee
21 or permittee. A commercial breeder is a person engaged in the
22 business of breeding dogs or cats, or who sells, exchanges, or
23 leases dogs or cats, in return for consideration. However, an
24 exception applies to exclude a person who owns or harbors three
25 or fewer breeding males or females (Code section 162.2).

26 BILL'S PROVISIONS — INSPECTION OR MONITORING OF COMMERCIAL
27 ESTABLISHMENTS OPERATING AS A REGISTRANT/STATE LICENSEE OR
28 PERMITTEE. The bill provides for inspecting a commercial
29 establishment operated by a registrant/state licensee, or
30 monitoring a commercial establishment operated by a permittee, on
31 both a priority and scheduled basis. DALs inspects or monitors
32 a commercial establishment on a priority basis according to its
33 criteria, which is the same process that exists under current
34 law, with one exception. If DALs enters onto the business
35 premises of a commercial establishment, it must determine whether

1 the registrant/state licensee or permittee is complying with
2 the respective standard of care requirements. For inspecting
3 or monitoring a commercial establishment on a scheduled basis,
4 DALs must enter onto the business premises of each commercial
5 establishment operating as a commercial breeder (state licensee
6 or permittee) once each 12-month period to determine compliance
7 with applicable standard of care requirements. There is no
8 reasonable cause requirement that must support DALs' entry onto
9 the permittee's commercial establishment.

10 APPLICABLE PENALTIES. DALs is authorized to establish, impose,
11 and assess a civil penalty of not more than \$500 for a violation
12 of the Code chapter by a commercial establishment subject to
13 registration/state license or permit (Code section 162.12A). DALs
14 may also suspend or revoke the registration/state license or
15 permit (Code section 162.10D).

unofficial