

House File 651 - Reprinted

HOUSE FILE 651
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 152)

(As Amended and Passed by the House April 11, 2023)

A BILL FOR

1 An Act relating to the ownership of dogs, making penalties
2 applicable, and including effective date and applicability
3 provisions.

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

1 Section 1. Section 351.25, Code 2023, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **351.25 Dogs as property — right to own dog.**

4 1. A dog shall be deemed property if the dog is any of the
5 following:

6 a. Less than four months of age.

7 b. Owned by a person as evidenced by proof of
8 identification, which may include any of the following:

9 (1) A valid rabies vaccination tag attached to the dog's
10 collar.

11 (2) A tattoo imprinted on the dog's skin that may be
12 visually observed.

13 (3) A device implanted under the dog's skin that stores
14 information in an electronic format.

15 (4) A receipt or contract indicating ownership.

16 (5) A record of an ongoing patient-client relationship with
17 a veterinarian.

18 (6) An otherwise documented history of ownership.

19 2. A county shall not adopt, enforce, or otherwise
20 administer an ordinance, motion, resolution, or amendment
21 that restricts or hinders a person's right to own or keep
22 a dog based on the breed, perceived breed, or physical
23 characteristics of the dog. This subsection does not inhibit
24 the authority of a county to adopt, enforce, or administer an
25 ordinance, motion, resolution, or amendment that applies to all
26 dogs.

27 Sec. 2. Section 351.33, Code 2023, is amended to read as
28 follows:

29 **351.33 Rabies vaccination.**

30 Every owner of a dog shall obtain a rabies vaccination for
31 such animal. It shall be unlawful for any person to own or have
32 a dog in the person's possession, ~~six~~ four months of age or
33 over, ~~which~~ that has not been vaccinated against rabies. Dogs
34 kept in kennels and not allowed to run at large shall not be
35 subject to these vaccination requirements.

1 Sec. 3. Section 351.37, subsections 1 and 2, Code 2023, are
2 amended to read as follows:

3 1. A dog shall be apprehended and impounded by a local board
4 of health or law enforcement official or designated agent if
5 the dog is running at large ~~and the dog is not wearing a valid~~
6 ~~rabies vaccination tag or a rabies vaccination certificate is~~
7 ~~not presented to the local board of health or law enforcement~~
8 ~~official.~~

9 2. The local board of health or law enforcement official
10 shall provide written notice to the owner if the local board of
11 health or law enforcement official can reasonably determine the
12 owner's name and current address by accessing a tag or other
13 device that is on or a part of the dog. The notice shall be
14 sent within two days after the dog has been impounded. The
15 notice shall provide that if the owner does not redeem the dog
16 within seven days from the date that the notice is delivered,
17 the dog may be humanely destroyed or otherwise disposed of in
18 accordance with law. For purposes of this section, notice is
19 delivered when the local board of health or law enforcement
20 official mails the notice, which may be by regular mail. An
21 owner may redeem a dog by having it immediately vaccinated,
22 if the dog is overdue for vaccination, and paying the cost of
23 impoundment.

24 Sec. 4. Section 351.45, subsection 1, paragraph b, Code
25 2023, is amended to read as follows:

26 **b.** The rabies vaccination tag is attached to a collar worn
27 by a dog, including as provided in ~~sections~~ section 351.25 and
28 351.26.

29 Sec. 5. Section 364.3, Code 2023, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 18. A city shall not adopt, enforce, or
32 otherwise administer an ordinance, motion, resolution, or
33 amendment that restricts or hinders a person's right to own or
34 keep a dog based on the breed, perceived breed, or physical
35 characteristics of the dog. This subsection does not inhibit

1 the authority of a city to adopt, enforce, or administer an
2 ordinance, motion, resolution, or amendment that applies to all
3 dogs.

4 Sec. 6. NEW SECTION. 515.116 Homeowner's and renter's
5 insurance — dangerous or high risk dogs.

6 1. This section shall be known and may be cited as the "Dog
7 Breed Insurance Underwriting Protection Act".

8 2. As used in this section, unless the context otherwise
9 requires:

10 a. "Custody" means to possess, keep, or harbor.

11 b. "Insurer" means the same as defined in section 515.115.

12 3. If a homeowner or a renter has custody of a dog
13 classified as dangerous or high risk pursuant to an applicable
14 city ordinance, the homeowner or renter shall have a
15 homeowner's insurance policy or renter's insurance policy in an
16 amount that is equal to or greater than the coverage required
17 by the applicable city ordinance.

18 4. If an insurer deems a policyholder has custody of
19 a dog classified as dangerous or high risk based on sound
20 underwriting and actuarial principles reasonably related to
21 actual or anticipated loss experience, an insurer may do any
22 of the following:

23 a. Refuse to issue or renew the policyholder's or potential
24 policyholder's homeowner's or renter's insurance policy.

25 b. Charge or impose a reasonable premium or rate increase
26 for the policyholder's homeowner's or renter's insurance
27 policy.

28 c. Cancel the policyholder's homeowner's or renter's
29 insurance policy.

30 5. Except as otherwise provided in this section, this
31 section does not limit the rights and obligations of an insurer
32 pursuant to an insurance policy's standards or provisions.

33 6. The commissioner may adopt rules pursuant to chapter 17A
34 to implement and administer this section.

35 Sec. 7. REPEAL. Section 351.29, Code 2023, is repealed.

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1 Sec. 8. EFFECTIVE DATE. The section of this Act enacting
2 section 515.116 takes effect one hundred eighty days after
3 enactment.

4 Sec. 9. APPLICABILITY. The section of this Act enacting
5 section 515.116 applies to all homeowner's and renter's
6 insurance policies issued or renewed in the state on or after
7 the effective date of the section of this Act enacting section
8 515.116.