

**Senate File 502 - Introduced**

SENATE FILE 502

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 347)

(SUCCESSOR TO SF 168)

**A BILL FOR**

1 An Act relating to the regulation of persons, including  
2 commercial establishments, keeping nonagricultural animals,  
3 providing for fees and appropriations, and making penalties  
4 applicable.

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

DIVISION I

REGULATION, FEES, AND APPROPRIATIONS

1  
2 Section 1. Section 162.2, subsections 6, 14, 15, 17, 23, and  
3 26, Code 2015, are amended by striking the subsections.

4  
5 Sec. 2. Section 162.2, subsections 3, 8, 9, 10, and 27, Code  
6 2015, are amended to read as follows:

7 3. *“Animal shelter”* means ~~a facility which is housing~~  
8 facilities used to receive, house, or contain dogs or cats,  
9 ~~or both,~~ or transfer vertebrate animals and which is owned,  
10 operated, or maintained by an incorporated humane society,  
11 animal welfare society, society for the prevention of cruelty  
12 to animals, or other nonprofit organization devoted to the  
13 welfare, protection, and humane treatment of such animals.

14 8. a. *“Commercial breeder”* means a person, engaged in the  
15 business of breeding dogs or cats, who sells, exchanges, or  
16 leases dogs or cats in return for consideration, or who offers  
17 to do so, whether or not the animals dogs or cats are raised,  
18 trained, groomed, or boarded by the person.

19 b. Notwithstanding paragraph “a” *“commercial breeder”* does  
20 not mean any of the following:

21 (1) A person who is a small breeder, competitive show  
22 breeder, or specialized breeder.

23 (2) A person who owns or harbors keeps three or fewer  
24 breeding males or females is not a commercial breeder male or  
25 female dogs or cats. However, ~~a person who breeds any number~~  
26 ~~of breeding male or female greyhounds for the purposes of~~  
27 ~~using them for pari-mutuel wagering at a racetrack as provided~~  
28 ~~in chapter 99D shall be considered a commercial breeder~~  
29 ~~irrespective of whether the person sells, leases, or exchanges~~  
30 ~~the greyhounds for consideration or offers to do so.~~

31 9. *“Commercial establishment”* or *“establishment”* means an any  
32 of the following:

33 a. An animal rescue.

34 b. An animal sanctuary.

35 c. An animal shelter.

- 1 d. A boarding kennel~~τ~~.
- 2 e. A commercial breeder~~τ~~.
- 3 f. A commercial kennel~~τ~~.
- 4 g. A dealer~~τ~~.
- 5 h. A grooming facility.
- 6 i. A pet shop~~τ~~.
- 7 j. A pound~~τ~~.
- 8 k. A public auction~~τ~~~~or~~.
- 9 l. A research facility.
- 10 m. A small breeder, competitive show breeder, or specialized
- 11 breeder.

12 10. a. "*Commercial kennel*" means ~~a kennel which performs~~  
13 ~~grooming~~~~τ~~ a facility where boarding~~τ~~ or training services are  
14 provided for dogs or cats in return for a consideration.

15 b. "*Commercial kennel*" does not mean a facility in which a  
16 dog or cat remains in the custody of the owner of the dog or  
17 cat.

18 27. "*Vertebrate animal*" or "animal" means those vertebrate  
19 animals other than members of the equine, bovine, ovine, and  
20 porcine species, and ostriches, rheas, or emus.

21 Sec. 3. Section 162.2, Code 2015, is amended by adding the  
22 following new subsections:

23 NEW SUBSECTION. 2A. "*Animal rescue*" means a person who  
24 during a state fiscal year receives more than six adult dogs  
25 or cats, or more than three litters of dogs or cats, and who  
26 retains custody of the dogs or cats on a temporary basis until  
27 doing any of the following:

28 a. Transferring the dogs or cats to an animal shelter,  
29 pound, or another animal rescue.

30 b. Relinquishing custody of the dogs or cats by adoption to  
31 members of the public.

32 NEW SUBSECTION. 2B. "*Animal sanctuary*" means a person who  
33 during a state fiscal year owns or leases and controls housing  
34 facilities where at least six adult dogs or cats have been  
35 received from one or more persons, if all of the following

1 apply:

2 a. When received, each dog or cat was any of the following:

3 (1) Abandoned, orphaned, or unwanted, or transferred by a  
4 pound or animal shelter.

5 (2) In an impaired condition due to disease, injury, or  
6 birth defect, or a threatened animal as defined in section  
7 717B.1.

8 b. Each dog or cat is maintained by the person on a  
9 permanent basis, until the death of the dog or cat, or the  
10 person transfers the dog or cat to any of the following:

11 (1) An animal rescue.

12 (2) Another animal sanctuary.

13 (3) An animal shelter.

14 (4) A pound.

15 NEW SUBSECTION. 15A. "*Foster care home*" means a private  
16 residence that provides a vertebrate animal with temporary  
17 maintenance, including shelter and care, if the animal has  
18 been accepted by a person licensed as an animal rescue,  
19 animal shelter, or pound and that person is authorized by the  
20 department to oversee the operations of the private residence.

21 NEW SUBSECTION. 15B. a. "*Grooming facility*" means a  
22 business, including a salon, that as the principal part  
23 of its operation, provides grooming services in return for  
24 consideration.

25 b. "*Grooming facility*" does not mean a business that does  
26 any of the following:

27 (1) Only provides grooming services at the residence of the  
28 owner of the dog or cat.

29 (2) Only provides grooming services at a mobile business  
30 operating at different locations.

31 (3) Operates as part of a commercial kennel that provides  
32 grooming services as an incidental part of its operation.

33 (4) Operates as part of a veterinary facility that provides  
34 grooming services as an incidental part of its operation.

35 (5) Keeps the dog or cat for less than twenty-four hours

1 during any one period.

2 NEW SUBSECTION. 15C. "*Grooming services*" means providing  
3 a dog or cat with hygienic care or treatment to improve  
4 appearance, which may include but is not limited to bathing;  
5 the removal of dead hair or skin; hair clipping, shaving, or  
6 brushing; nail trimming; or providing flea or tick control.

7 NEW SUBSECTION. 16A. "*License*" means an authorization to  
8 operate a commercial establishment as provided in this chapter  
9 regardless of whether the authorization is also referred to as  
10 a permit or certificate of registration.

11 NEW SUBSECTION. 16B. "*Licensee*" means a commercial  
12 establishment that operates pursuant to a license issued and  
13 renewed by the department pursuant to section 162.2A.

14 NEW SUBSECTION. 16C. "*Local authority*" means the same as  
15 defined in section 717B.1.

16 NEW SUBSECTION. 20A. "*Practice of veterinary medicine*"  
17 means the same as defined in section 169.3.

18 NEW SUBSECTION. 24A. a. "*Small breeder, competitive show*  
19 *breeder, or specialized breeder*" means a person who owns or  
20 keeps dogs, if the person does all of the following:

21 (1) Breeds the dogs.

22 (2) Sells, exchanges, or leases the dogs in return for  
23 consideration, or offers to sell, exchange, or lease the dogs  
24 in return for consideration.

25 (3) Keeps in any state fiscal year a total of not more than  
26 the lesser of the following:

27 (a) Three litters of puppies.

28 (b) Thirty puppies.

29 b. "*Small breeder, competitive show breeder, or specialized*  
30 *breeder*" does not mean a person who owns or keeps three or fewer  
31 breeding male or female dogs.

32 c. "*Small breeder, competitive show breeder, or specialized*  
33 *breeder*" does not mean a commercial breeder.

34 NEW SUBSECTION. 28. "*Veterinary facility*" means a business  
35 where one or more licensed veterinarians are engaged in the

1 practice of veterinary medicine. The business may also provide  
2 grooming services as an incidental part of its operation.

3 Sec. 4. Section 162.2A, subsections 1, 2, 4, and 5, Code  
4 2015, are amended to read as follows:

5 1. The department shall provide for the ~~operation of~~  
6 issuance or renewal of a license to operate a commercial  
7 establishment by issuing or renewing an authorization,  
8 including any of the following. A person who owns a  
9 commercial establishment shall be deemed to operate that  
10 commercial establishment.

11 ~~a. A certificate of registration for a pound, animal~~  
12 ~~shelter, or research facility.~~

13 ~~b. A state license for a boarding kennel, commercial kennel,~~  
14 ~~or pet shop.~~

15 ~~c. A state license or permit for a commercial breeder,~~  
16 ~~dealer, or public auction. A federal licensee must apply for~~  
17 ~~and be issued either a permit or a state license in lieu of a~~  
18 ~~permit.~~

19 2. a. A person must hold a current, valid license in order  
20 to operate a commercial establishment.

21 b. A person must be issued a separate state hold a single  
22 license, certificate of registration, or permit for each class  
23 of commercial establishment owned or operated by the person,  
24 regardless of how many locations for that class are operated  
25 by the person. Each of the following is a separate class of  
26 commercial establishment:

- 27 (1) An animal rescue.  
28 (2) An animal sanctuary.  
29 (3) An animal shelter.  
30 (4) A boarding kennel.  
31 (5) A commercial breeder.  
32 (6) A commercial kennel.  
33 (7) A grooming facility.  
34 (8) A dealer.  
35 (9) A pet shop.

1     (10) A pound.

2     (11) A public auction.

3     (12) A research facility.

4     (13) A small breeder, competitive show breeder, or  
5 specialized breeder.

6     4. ~~The authorization~~ A license expires on an annual basis  
7 as provided by the department, and must be renewed by the  
8 commercial establishment on an annual basis on or before the  
9 ~~authorization's~~ license's expiration date.

10    5. ~~a. A commercial establishment applying for the issuance~~  
11 ~~or renewal of a permit shall provide the department with proof~~  
12 ~~that the person is a federal licensee.~~

13    ~~b. The department shall not require that it must enter onto~~  
14 ~~the premises of a commercial establishment in order to issue a~~  
15 ~~permit. The department shall not require that it must enter~~  
16 ~~onto the premises of a commercial establishment in order to~~  
17 ~~renew a permit, unless it has reasonable cause to monitor the~~  
18 ~~commercial establishment as provided in section 162.10C. The~~  
19 ~~department may deny an application for the issuance or renewal~~  
20 ~~of a license if the department determines that the applicant is~~  
21 ~~in violation of this chapter or has not demonstrated that the~~  
22 ~~applicant will comply with the provisions of this chapter.~~

23    Sec. 5. Section 162.2B, Code 2015, is amended by striking  
24 the section and inserting in lieu thereof the following:

25    **162.2B Fees.**

26    1. The department shall establish, assess, and collect  
27 fees for issuing or renewing a license as provided in section  
28 162.2A. The fee assessed under this section shall include a  
29 base amount plus any applicable scheduled amount.

30    2. For a commercial establishment that is an animal rescue,  
31 animal sanctuary, animal shelter, pound, or research facility,  
32 all of the following shall apply:

33    a. The base amount equals seventy-five dollars. A single  
34 base amount shall be assessed for all locations operated by the  
35 commercial establishment.

1     *b.* A scheduled amount shall not be assessed.

2     3. For a commercial establishment that is a dealer or  
3 grooming facility, all of the following shall apply:

4     *a.* The base amount equals one hundred dollars. A single  
5 base amount shall be assessed for all locations operated by the  
6 commercial establishment.

7     *b.* A scheduled amount shall not be assessed.

8     4. For a commercial establishment that is a boarding kennel,  
9 commercial kennel, or public auction, all of the following  
10 shall apply:

11     *a.* The base amount equals one hundred seventy-five dollars.  
12 A single base amount shall be assessed for all locations  
13 operated by the commercial establishment.

14     *b.* A scheduled amount shall not be assessed.

15     5. For a commercial establishment that is a pet shop, all  
16 of the following shall apply:

17     *a.* The base amount equals one hundred seventy-five dollars.  
18 A base amount shall be assessed for each location operated by  
19 the pet shop.

20     *b.* (1) The scheduled amount shall be determined based on  
21 the number of dogs and cats kept by the pet shop as follows:

22         (i) For at least one dog or cat but not more than twenty  
23 dogs and cats, one hundred dollars.

24         (ii) For more than twenty dogs and cats but not more than  
25 forty dogs and cats, two hundred fifty dollars.

26         (iii) For more than forty dogs and cats, five hundred dollars.

27     (2) For purposes of determining the scheduled amount under  
28 this paragraph "*b*", a dog or cat must be recorded as on hand for  
29 sale to the general public during the most recent inspection  
30 of the pet shop by the department. The scheduled amount shall  
31 be assessed for the total number of dogs or cats kept at all  
32 locations operated by the pet shop.

33     6. For a commercial establishment that is a commercial  
34 breeder, all of the following shall apply:

35     *a.* The base amount equals one hundred seventy-five dollars.



1 A base amount shall be assessed for each location operated by  
2 the commercial breeder.

3 *b.* (1) The scheduled amount shall be determined based on  
4 the number of dogs and cats kept by the commercial breeder as  
5 follows:

6 (a) For not more than fifty dogs and cats, seventy-five  
7 dollars.

8 (b) For more than fifty dogs and cats but not more than  
9 seventy-five dogs and cats, two hundred fifty dollars.

10 (c) For more than seventy-five dogs and cats but not more  
11 than one hundred dogs and cats, eight hundred dollars.

12 (d) For more than one hundred dogs and cats but not more  
13 than two hundred fifty dogs and cats, two thousand five hundred  
14 dollars.

15 (e) For more than two hundred fifty dogs and cats but not  
16 more than four hundred dogs and cats, five thousand dollars.

17 (f) For more than four hundred dogs and cats, seven thousand  
18 five hundred dollars.

19 (2) For purposes of determining the scheduled amount under  
20 this paragraph "*b*", a dog or cat must be recorded as an adult  
21 on hand for breeding during the most recent inspection of the  
22 commercial breeder by the department of agriculture and land  
23 stewardship or the United States department of agriculture.  
24 The scheduled amount shall be assessed for the total number of  
25 dogs or cats kept at all locations operated by the commercial  
26 breeder.

27 7. For a commercial establishment that is a small breeder,  
28 competitive show breeder, or specialized breeder, all of the  
29 following shall apply:

30 *a.* The base amount equals seventy-five dollars. A single  
31 base amount shall be assessed for all locations operated by  
32 the small breeder, competitive show breeder, or specialized  
33 breeder.

34 *b.* A scheduled amount shall not be assessed.

35 8. The moneys collected by the department under this section

1 shall be credited to the commercial establishment fund created  
2 in section 162.2C.

3 9. The fees provided in this section shall be considered  
4 repayment receipts as defined in section 8.2. The general  
5 assembly shall appropriate moneys to the department each state  
6 fiscal year necessary for the administration and enforcement of  
7 this chapter.

8 Sec. 6. Section 162.2C, subsection 3, Code 2015, is amended  
9 to read as follows:

10 3. Moneys in the fund are appropriated to the department and  
11 without further special authorization by the general assembly.  
12 The moneys shall be used exclusively by the department to carry  
13 out do all of the following:

14 a. Administer and enforce the provisions of this chapter  
15 as determined and directed by the department, and shall not  
16 require further special authorization by the general assembly.

17 b. Fully fund the animal rescue remediation fund as provided  
18 in section 717B.13. For each state fiscal year, the department  
19 shall transfer at least twenty thousand dollars from moneys  
20 in the commercial establishment fund to the animal rescue  
21 remediation fund created in section 717B.13. However, if  
22 on March 1 the unobligated and unencumbered balance in the  
23 animal rescue remediation fund equals more than sixty thousand  
24 dollars, the department shall suspend the transfer for the  
25 subsequent state fiscal year. If on March 1 of a state fiscal  
26 year for which the transfer is suspended, the unobligated and  
27 unencumbered balance in the animal rescue remediation fund is  
28 less than forty thousand dollars, the department shall resume  
29 the transfer for the subsequent state fiscal year.

30 Sec. 7. NEW SECTION. 162.3A **Operation of an animal rescue**  
31 **— license.**

32 1. An animal rescue shall only operate pursuant to a license  
33 issued or renewed by the department as provided in section  
34 162.2A. The animal rescue shall maintain records as required  
35 by section 162.10 in order for the department to ensure the

1 animal rescue's compliance with the provisions of this chapter.

2 2. An animal rescue shall not maintain a dog or cat received  
3 by the animal rescue in housing facilities owned or controlled  
4 by the animal rescue. However, the animal rescue may arrange  
5 to utilize an animal shelter, pound, or foster care home in  
6 order to maintain the dog or cat.

7 **Sec. 8. NEW SECTION. 162.3B Operation of an animal**  
8 **sanctuary — license.**

9 1. An animal sanctuary shall only operate pursuant to a  
10 license issued or renewed by the department as provided in  
11 section 162.2A. The animal sanctuary shall maintain records  
12 as required by section 162.10 in order for the department to  
13 ensure the animal sanctuary's compliance with the provisions of  
14 this chapter.

15 2. An animal sanctuary shall not buy, sell, trade,  
16 auction, lease, loan, or breed any dog or cat that is owned or  
17 controlled by the animal sanctuary.

18 3. An animal sanctuary shall maintain a dog or cat received  
19 by the animal sanctuary in its care until the dog or cat dies  
20 by natural causes, is euthanized, or is transferred to another  
21 animal sanctuary, an animal rescue, an animal shelter, or a  
22 pound.

23 **Sec. 9. NEW SECTION. 162.6A Grooming facility — license.**

24 1. A grooming facility shall only operate pursuant to a  
25 license issued or renewed by the department as provided in  
26 section 162.2A. The grooming facility shall maintain records  
27 as required by section 162.10 in order for the department to  
28 ensure the grooming facility's compliance with the provisions  
29 of this chapter.

30 2. A grooming facility shall not be in the business of  
31 buying and selling vertebrate animals.

32 **Sec. 10. Section 162.8, Code 2015, is amended to read as**  
33 **follows:**

34 **162.8 Operation of a commercial breeder — ~~state license or~~**  
35 **permit.**

1     1. A commercial breeder shall only operate pursuant to a  
2 ~~state license, or a permit,~~ issued or renewed by the department  
3 as provided in section 162.2A. A commercial breeder ~~who is~~  
4 ~~a state licensee~~ shall maintain records as required ~~by the~~  
5 ~~department in section 162.10~~ in order for the department to  
6 ensure the commercial breeder's compliance with the provisions  
7 of this chapter. ~~A commercial breeder who is a permittee may~~  
8 ~~but is not required to maintain records.~~

9     2. A commercial breeder shall not purchase a dog or cat  
10 from a commercial establishment that does not have a valid  
11 ~~authorization~~ license issued or renewed under this chapter or a  
12 similar authorization issued or renewed by another state.

13     3. A commercial breeder shall not operate an animal shelter  
14 or maintain a controlling interest in an animal shelter.

15     Sec. 11. NEW SECTION. 162.9 Operation of a small breeder,  
16 competitive show breeder, or specialized breeder — license.

17     1. A person who is a small breeder, competitive show  
18 breeder, or specialized breeder shall only operate pursuant to  
19 a license issued or renewed by the department as provided in  
20 section 162.2A.

21     2. A person shall not be eligible for the issuance,  
22 maintenance, or renewal of a license under this section if  
23 the person holds a public auction license pursuant to section  
24 162.9A.

25     Sec. 12. NEW SECTION. 162.10 Records.

26     1. A commercial establishment shall maintain all records  
27 required in this chapter. The department shall adopt rules  
28 regarding the types of records required to be kept and the  
29 format for keeping such records.

30     2. A commercial establishment shall maintain all records  
31 necessary for the department to assess a fee imposed for the  
32 issuance or renewal of a license pursuant to section 162.2A.

33     3. A commercial establishment shall maintain inspection  
34 reports as required in section 162.10B.

35     Sec. 13. Section 162.10B, Code 2015, is amended to read as

1 follows:

2 ~~162.10B Commercial establishments — inspecting state~~  
3 ~~licensees and registrants~~ Inspections — ordinary requirements.

4 1. As a condition of issuing or renewing a license, the  
5 premises of an applicant shall be open for inspection during  
6 normal business hours.

7 2. The department shall conduct at least an annual  
8 inspection of a commercial establishment. The department ~~may~~  
9 ~~shall~~ inspect the commercial establishment ~~of a registrant or~~  
10 ~~state licensee~~ by entering onto its business premises at any  
11 time during normal ~~working~~ business hours. The department ~~may~~  
12 ~~shall~~ inspect records required to be maintained by the ~~state~~  
13 ~~licensee or registrant~~ commercial establishment as provided  
14 in ~~this chapter~~ section 162.10. If the owner or person in  
15 charge of the commercial establishment refuses admittance, the  
16 department may obtain an administrative search warrant issued  
17 under section 808.14. The department shall report a potential  
18 violation of chapter 717B to the local authority which has  
19 jurisdiction over the matter.

20 3. a. A commercial breeder offering to sell a dog to  
21 a person shall provide that person with the most recent  
22 inspection report completed by all of the following:

23 (1) The department of agriculture and land stewardship. The  
24 report shall include the recorded number of adult dogs on hand.

25 (2) The United States department of agriculture, if the  
26 commercial breeder is licensed under the Animal Welfare Act.

27 b. The inspection report must be signed by the dog's  
28 purchaser prior to finalizing the sale.

29 c. A copy of each applicable signed inspection report shall  
30 be maintained for twelve months by the commercial breeder as  
31 part of the commercial breeder's records as provided in section  
32 162.10 and a copy of the signed inspection report completed by  
33 the department of agriculture and land stewardship shall be  
34 filed with the department.

35 Sec. 14. Section 162.10C, Code 2015, is amended by striking

1 the section and inserting in lieu thereof the following:

2 **162.10C Inspections — restricted requirements.**

3 1. Notwithstanding section 162.10B, a person who holds  
4 a grooming facility license as provided in section 162.6A is  
5 subject to restricted inspection requirements. The department  
6 shall conduct the annual inspection of a licensed grooming  
7 facility at a scheduled time agreed to by the person and  
8 the department. However, the department is not required to  
9 schedule an inspection if any of the following applies:

10 a. The person is obstructing the scheduled inspection.

11 b. One or more dogs or cats kept by the person are in  
12 immediate need of care.

13 2. Notwithstanding section 162.10B, a person who holds a  
14 small breeder, competitive show breeder, or specialized breeder  
15 license as provided in section 162.9 is subject to restricted  
16 inspection requirements as follows:

17 a. The person is exempt from the inspection requirements  
18 of section 162.10B for the period of the license if the person  
19 submits evidence to the department that each dog kept by the  
20 person complies with all of the following:

21 (1) Has been examined by a licensed veterinarian within the  
22 twelve months prior to applying for the issuance or renewal of  
23 the reserved license.

24 (2) Received all vaccinations as prescribed by the  
25 department based on recommendations of the American veterinary  
26 medical association or American animal hospital association.

27 b. If the person does not comply with paragraph "a", the  
28 department shall conduct the annual inspection at a scheduled  
29 time agreed to by the person and the department. However, the  
30 department is not required to schedule an inspection if any of  
31 the following applies:

32 (1) The person is obstructing the scheduled inspection.

33 (2) One or more dogs kept by the person are in immediate  
34 need of care.

35 Sec. 15. Section 162.10D, subsections 1 and 2, Code 2015,

1 are amended to read as follows:

2 1. The department may take disciplinary action against a  
3 person by suspending or revoking the person's ~~authorization~~  
4 license for violating a violation of a provision of this  
5 chapter or chapter 717B, or who commits for the commission of  
6 an unlawful practice under section 714.16. The department may  
7 take primary and secondary disciplinary action as follows:

8 a. Primary disciplinary action may be taken against a person  
9 who operates the commercial establishment where the violation  
10 occurred.

11 b. Secondary disciplinary action may be taken against a  
12 person who operates another class of commercial establishment  
13 under a separate license pursuant to section 162.2A if such  
14 person is the same as the person who is subject to primary  
15 disciplinary action under paragraph "a".

16 2. The department may require an owner, operator, or  
17 employee of a commercial establishment subject to disciplinary  
18 action under subsection 1 to complete a continuing education  
19 program as a condition for retaining ~~an authorization~~  
20 a license. This section does not prevent a person from  
21 voluntarily participating in a continuing education program.  
22 However, a continuing education program completed voluntarily  
23 prior to the imposition of the department's disciplinary action  
24 shall not be part of such disciplinary action.

25 Sec. 16. Section 162.11, subsection 1, Code 2015, is amended  
26 by striking the subsection and inserting in lieu thereof the  
27 following:

28 1. This chapter does not apply to the operation of a  
29 veterinary facility, including any activity that would  
30 otherwise classify the veterinary facility as a commercial  
31 establishment so long as the activity is incidental to the  
32 practice of veterinary medicine. If the operations are  
33 conducted at an establishment in which the operations of the  
34 veterinary facility are segregated, this chapter shall apply  
35 only to that part of the establishment that does not operate as

1 a veterinary facility.

2 Sec. 17. Section 162.11, subsection 2, Code 2015, is amended  
3 by striking the subsection.

4 Sec. 18. Section 162.11, subsection 3, Code 2015, is amended  
5 to read as follows:

6 3. This chapter does not apply to a noncommercial kennel  
7 at, in, or adjoining a private residence where dogs or cats are  
8 kept, ~~for the hobby of the householder,~~ if the dogs or cats  
9 are used for hunting, for practice training, for exhibition  
10 at shows or field or obedience trials, or for guarding or  
11 protecting the householder's property. However, the dogs  
12 or cats must not be kept for breeding if a person receives  
13 consideration for providing the breeding.

14 Sec. 19. Section 162.11, Code 2015, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 4. This chapter does not apply to a person  
17 who owns, keeps, breeds, or transports a greyhound dog for use  
18 at a dog racetrack facility regulated by the racing and gaming  
19 commission under chapter 99D.

20 Sec. 20. NEW SECTION. 162.13A **Criminal actions.**

21 The attorney general or a county attorney may bring criminal  
22 action in order to enforce the provisions of this chapter.

23 Sec. 21. NEW SECTION. 162.13B **Injunctive relief.**

24 A court of this state may prevent or restrain a violation  
25 of this chapter through the issuance of an injunction. The  
26 attorney general or a county attorney shall institute a suit on  
27 behalf of the state to prevent or restrain a violation of this  
28 chapter.

29 Sec. 22. Section 162.20, subsection 4, paragraph c, Code  
30 2015, is amended to read as follows:

31 c. A pound or animal shelter which knowingly fails to  
32 provide for the sterilization of a dog or cat is subject to a  
33 civil penalty of up to two hundred dollars. The department  
34 may enforce and collect civil penalties according to rules  
35 which shall be adopted by the department. Each violation shall



1 constitute a separate offense. ~~Moneys~~ Notwithstanding section  
 2 162.11, subsection 4, moneys collected from civil penalties  
 3 shall be deposited into the general fund of the state and  
 4 are appropriated on July 1 of each year in equal amounts to  
 5 each track licensed to race dogs to support the racing dog  
 6 adoption program as provided in section 99D.27. Upon the third  
 7 offense, the department may suspend or revoke a ~~certificate~~  
 8 ~~of registration~~ license issued to the pound or animal shelter  
 9 pursuant to ~~this chapter~~ section 162.2A. The department may  
 10 bring an action in district court to enjoin a pound or animal  
 11 shelter from transferring animals in violation of this section.  
 12 In bringing the action, the department shall not be required  
 13 to allege facts necessary to show, or tending to show, a lack  
 14 of adequate remedy at law, that irreparable damage or loss  
 15 will result if the action is brought at law, or that unique or  
 16 special circumstances exist.

17 Sec. 23. Section 162.20, subsection 5, paragraphs b and c,  
 18 Code 2015, are amended to read as follows:

19 *b.* The transfer of a dog or cat by a pound or animal  
 20 shelter which has obtained an enforcement waiver issued  
 21 by the department. The pound or shelter may apply for an  
 22 annual waiver each year as provided by rules adopted by  
 23 the department. The department shall grant a waiver, if it  
 24 determines that the pound or animal shelter is subject to  
 25 an ordinance by a city or county which includes stricter  
 26 requirements than provided in this section. The department  
 27 shall not charge more than ten dollars as a waiver application  
 28 fee. The fees collected by the department shall be deposited  
 29 in the ~~general fund of the state~~ animal rescue remediation fund  
 30 created in section 717B.13.

31 *c.* The transfer of a dog or cat to a research facility as  
 32 defined in section 162.2 or a person licensed by the United  
 33 States department of agriculture as a class B dealer pursuant  
 34 to 9 C.F.R. ch. 1, subch. A, pt. 2. However, a class B dealer  
 35 who receives an unsterilized dog or cat from a pound or animal

1 shelter shall either sterilize the dog or cat or transfer the  
2 unsterilized dog or cat to a research facility provided in this  
3 paragraph. ~~The class B dealer shall not transfer a dog to a~~  
4 ~~research facility if the dog is a greyhound registered with the~~  
5 ~~national greyhound association and the dog raced at a track~~  
6 ~~associated with pari-mutuel racing unless the class B dealer~~  
7 ~~receives written approval of the transfer from a person who~~  
8 ~~owned an interest in the dog while the dog was racing.~~

9     Sec. 24. NEW SECTION. 162.21 Sterilization — animal  
10 sanctuaries.

11     1. An animal sanctuary receiving a dog or cat shall provide  
12 for the sterilization of the dog or cat using the veterinary  
13 procedures prescribed in section 162.20.

14     2. An animal sanctuary shall provide for the sterilization  
15 within ten days from the date that the animal sanctuary  
16 receives the dog or cat, unless any of the following apply:

17     *a.* The department imposes a stricter requirement by rule.

18     *b.* A licensed veterinarian grants an extension of the  
19 period required for the completion of the sterilization, if the  
20 extension is based on the health of the dog or cat.

21     3. *a.* An animal sanctuary that knowingly fails to provide  
22 for the sterilization of a dog or cat is subject to a civil  
23 penalty of up to two hundred dollars.

24     *b.* The department may enforce and collect civil penalties  
25 according to rules which shall be adopted by the department.  
26 Each violation shall constitute a separate violation. Moneys  
27 collected from civil penalties shall be credited to the animal  
28 rescue remediation fund created in section 717B.13.

29     4. Upon the third violation of this section, the department  
30 may suspend or revoke the license issued to the animal  
31 sanctuary pursuant to section 162.2A.

32     5. The department may bring an action in district court  
33 to enjoin an animal sanctuary from transferring animals in  
34 violation of this section in the same manner as provided in  
35 section 162.20.

1 6. This section shall not apply to the return of a dog or  
2 cat to its owner by an animal sanctuary, except as provided by  
3 rules adopted by the department.

4 Sec. 25. Section 717B.1, Code 2015, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 3A. *“Commercial establishment”* means the  
7 same as defined in section 162.2.

8 Sec. 26. Section 717B.4, subsection 3, paragraph a, Code  
9 2015, is amended to read as follows:

10 a. The court may order the responsible party to pay an  
11 amount which shall not be more than the dispositional expenses  
12 incurred by the local authority. The court may also award  
13 the local authority court costs, reasonable attorney fees and  
14 expenses related to the investigation and prosecution of the  
15 case, which shall be taxed as part of the costs of the action.  
16 The amount shall be paid to the animal rescue remediation fund  
17 created in section 717B.13 to the extent that moneys from the  
18 fund were expended to pay for dispositional expenses.

19 Sec. 27. Section 717B.5, Code 2015, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 3A. The local authority may apply to the  
22 department for reimbursement of expenses incurred by the local  
23 authority in providing for the maintenance of the animal.

24 Sec. 28. NEW SECTION. 717B.13 **Animal rescue remediation**  
25 **fund.**

26 1. An animal rescue remediation fund is created as a  
27 separate fund in the state treasury under the control of the  
28 department of agriculture and land stewardship. The general  
29 fund of the state is not liable for claims presented against  
30 the fund.

31 2. The fund consists of moneys appropriated to the fund,  
32 moneys transferred from the commercial establishment fund as  
33 provided in section 162.2C, moneys credited to the fund as  
34 provided in sections 162.20 and 162.21, sums collected on  
35 behalf of the fund through legal action or settlement, and

1 moneys contributed to the fund from other sources.

2 3. The moneys in the fund are appropriated to the department  
3 to reimburse a local authority for expenses incurred for the  
4 rescuing of an animal from a commercial establishment as  
5 provided in section 717B.5, for the maintenance of an animal  
6 as provided in section 717B.5, and for the disposition of an  
7 animal as provided in section 717B.4.

8 4. The department shall utilize moneys from the fund only to  
9 the extent that the department determines that expenses cannot  
10 be timely paid by utilizing the available provisions of section  
11 717B.4.

12 5. The department shall provide payment to a local authority  
13 upon a claim submitted by the local authority to the department  
14 according to procedures required by the department. Upon  
15 a determination that the claim is eligible for payment,  
16 the department shall reimburse the local authority for that  
17 amount. However, if the department determines that only  
18 a portion of the claim is eligible, the department shall  
19 only pay the eligible portion. If the department determines  
20 that insufficient moneys are available to make payment of  
21 all claims, the department may defer paying all or part of  
22 specified claims. The department shall hold deferred claims  
23 for payment when the department determines that the fund again  
24 contains sufficient moneys.

25 6. Moneys in the fund shall not be subject to appropriation  
26 or expenditure for any other purpose than provided in this  
27 section and section 162.2C.

28 7. Notwithstanding section 12C.7, interest earned on  
29 amounts deposited in the fund shall be credited to the fund.  
30 Notwithstanding section 8.33, any unexpended or unencumbered  
31 moneys remaining in the fund at the end of the fiscal year  
32 shall not revert to the general fund of the state, but the  
33 moneys shall remain available for expenditure by the authority  
34 in succeeding fiscal years.

35 Sec. 29. CURRENT AUTHORIZATIONS.

1 1. A current valid certificate of registration issued or  
2 renewed by the department of agriculture and land stewardship  
3 to an animal shelter, pound, or research facility under section  
4 162.2A prior to the effective date of this Act shall remain  
5 valid until it expires according to its terms when issued or  
6 renewed.

7 2. A current valid state license issued or renewed by the  
8 department of agriculture and land stewardship to a commercial  
9 kennel that operates as a grooming facility as defined in  
10 section 162.2, as amended in this Act, shall remain valid until  
11 it expires according to the terms when issued or renewed.

12 DIVISION II

13 COORDINATING PROVISIONS

14 Sec. 30. Section 162.2A, subsection 3, unnumbered paragraph  
15 1, Code 2015, is amended to read as follows:

16 A person must apply for the issuance or renewal of an  
17 ~~authorization~~ a license on forms and according to procedures  
18 required by rules adopted by the department. The application  
19 shall contain information required by the department, including  
20 but not limited to all of the following:

21 Sec. 31. Section 162.2A, subsection 3, paragraph c, Code  
22 2015, is amended to read as follows:

23 c. The name, address, and type of establishment covered by  
24 the ~~authorization~~ license.

25 Sec. 32. Section 162.3, Code 2015, is amended to read as  
26 follows:

27 **162.3 Operation of a pound — ~~certificate of registration~~**  
28 **license.**

29 A pound shall only operate pursuant to a ~~certificate of~~  
30 ~~registration~~ license issued or renewed by the department as  
31 provided in section 162.2A. A pound may sell dogs or cats  
32 under its control if sales are allowed by the department. The  
33 pound shall maintain records as required ~~by the department~~  
34 in section 162.10 in order for the department to ensure the  
35 pound's compliance with the provisions of this chapter.

1     Sec. 33. Section 162.4, Code 2015, is amended to read as  
2 follows:

3     **162.4 Operation of an animal shelter — ~~certificate of~~**  
4 **registration license.**

5     An animal shelter shall only operate pursuant to a  
6 ~~certificate of registration~~ license issued or renewed by the  
7 department as provided in section 162.2A. An animal shelter  
8 may sell dogs or cats if sales are allowed by the department.  
9 The animal shelter facility shall maintain records as required  
10 ~~by the department~~ in section 162.10 in order for the department  
11 to ensure the animal shelter's compliance with the provisions  
12 of this chapter.

13     Sec. 34. Section 162.4A, Code 2015, is amended to read as  
14 follows:

15     **162.4A Operation of a research facility — ~~certificate of~~**  
16 **registration license.**

17     1. A research facility shall only operate pursuant to  
18 a ~~certificate of registration~~ license issued or renewed by  
19 the department as provided in section 162.2A. The research  
20 facility shall maintain records as required ~~by the department~~  
21 in section 162.10 in order for the department to ensure the  
22 research facility's compliance with the provisions of this  
23 chapter.

24     2. A research facility shall not purchase a dog or cat  
25 from a commercial establishment that does not have a valid  
26 ~~authorization~~ license issued or renewed under this chapter or a  
27 similar authorization issued or renewed by another state.

28     Sec. 35. Section 162.5, Code 2015, is amended to read as  
29 follows:

30     **162.5 Operation of a pet shop — ~~state~~ license.**

31     1. A pet shop shall only operate pursuant to a ~~state~~  
32 license issued or renewed by the department pursuant to section  
33 162.2A. The pet shop shall maintain records as required by ~~the~~  
34 ~~department~~ section 162.10 in order for the department to ensure  
35 the pet shop's compliance with the provisions of this chapter.

1     2. A pet shop shall not purchase a dog or cat from  
2 a commercial establishment that does not have a valid  
3 ~~authorization~~ license issued or renewed under this chapter or a  
4 similar authorization issued or renewed by another state.

5     Sec. 36. Section 162.5A, Code 2015, is amended to read as  
6 follows:

7     **162.5A Operation of a boarding kennel — state license.**

8     A boarding kennel shall only operate pursuant to a ~~state~~  
9 license issued by the department as provided in section 162.2A.  
10 The boarding kennel shall maintain records as required by ~~the~~  
11 ~~department~~ section 162.10 in order for the department to ensure  
12 the boarding kennel's compliance with the provisions of this  
13 chapter. A boarding kennel shall not purchase a dog or cat  
14 from a commercial establishment that does not have a valid  
15 ~~authorization~~ license issued or renewed under this chapter or a  
16 similar authorization issued or renewed by another state.

17     Sec. 37. Section 162.6, Code 2015, is amended to read as  
18 follows:

19     **162.6 Operation of a commercial kennel — state license.**

20     A commercial kennel shall only operate pursuant to a ~~state~~  
21 license issued or renewed by the department as provided in  
22 section 162.2A. A commercial kennel shall maintain records  
23 as required by ~~the department~~ section 162.10 in order for the  
24 department to ensure the commercial kennel's compliance with  
25 the provisions of this chapter. A commercial kennel shall not  
26 purchase a dog or cat from a commercial establishment that does  
27 not have a valid ~~authorization~~ license issued or renewed under  
28 this chapter or a similar authorization issued or renewed by  
29 another state.

30     Sec. 38. Section 162.7, Code 2015, is amended to read as  
31 follows:

32     **162.7 Operation of a dealer — state license ~~or permit.~~**

33     A dealer shall only operate pursuant to a ~~state license,~~  
34 ~~or a permit,~~ issued or renewed by the department as provided  
35 in section 162.2A. A dealer ~~who is a state licensee~~ shall

1 maintain records as required by ~~the department~~ section 162.10  
2 in order for the department to ensure compliance with the  
3 provisions of this chapter. ~~A dealer who is a permittee may~~  
4 ~~but is not required to maintain records.~~ A dealer shall not  
5 purchase a dog or cat from a commercial establishment that does  
6 not have a valid authorization license issued or renewed under  
7 this chapter or a similar authorization issued or renewed by  
8 another state.

9 Sec. 39. Section 162.9A, Code 2015, is amended to read as  
10 follows:

11 **162.9A Operation of a public auction — ~~state license or~~**  
12 **~~permit.~~**

13 1. A public auction shall only operate pursuant to a ~~state~~  
14 ~~license, or a permit,~~ issued or renewed by the department as  
15 provided in section 162.2A. A public auction ~~which is a state~~  
16 ~~licensee~~ shall maintain records as required by ~~the department~~  
17 section 162.10 in order for the department to ensure the public  
18 auction's compliance with the provisions of this chapter. A  
19 ~~public auction which is a permittee may but is not required to~~  
20 ~~maintain records.~~ A public auction shall not purchase a dog or  
21 cat from a commercial establishment that does not have a valid  
22 authorization license issued or renewed under this chapter or a  
23 similar authorization issued or renewed by another state.

24 2. A person shall not be eligible for the issuance,  
25 maintenance, or renewal of a license under this section if the  
26 person holds a small breeder, competitive show breeder, or  
27 specialized breeder license under section 162.9.

28 Sec. 40. Section 162.10A, subsection 2, Code 2015, is  
29 amended by striking the subsection.

30 Sec. 41. Section 162.12, Code 2015, is amended to read as  
31 follows:

32 **162.12 Denial or revocation of application or license or**  
33 **registration.**

34 ~~A certificate of registration~~ An application for a license  
35 may be denied ~~to any animal shelter, pound, or research~~



1 ~~facility and a state license may be denied to any public~~  
2 ~~auction, boarding kennel, commercial kennel, pet shop,~~  
3 ~~commercial breeder, or dealer,~~ or an existing certificate of  
4 ~~registration or state license may be revoked by the secretary~~  
5 if, after public hearing, it is determined that the housing  
6 facilities or primary enclosures are inadequate under this  
7 chapter or if the feeding, watering, cleaning, and housing  
8 practices at the animal rescue, animal sanctuary, pound,  
9 animal shelter, public auction, pet shop, boarding kennel,  
10 commercial kennel, grooming facility, research facility, or  
11 those practices by the commercial breeder, ~~or dealer,~~ or small  
12 breeder, competitive show breeder, or specialized breeder, are  
13 not in compliance with this chapter or with the rules adopted  
14 pursuant to this chapter. ~~The premises of each registrant~~  
15 ~~or state licensee shall be open for inspection during normal~~  
16 ~~business hours.~~

17 Sec. 42. Section 162.12A, subsection 1, paragraph a, Code  
18 2015, is amended to read as follows:

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

26 Sec. 43. Section 162.12A, subsection 2, Code 2015, is  
27 amended to read as follows:

28 2. A commercial establishment that does not operate  
29 pursuant to an ~~authorization~~ a license issued or renewed under  
30 this chapter is subject to a civil penalty of not more than one  
31 thousand dollars, regardless of the number of animals possessed  
32 or controlled by the commercial establishment, for violating  
33 this chapter. Each day that a violation continues shall be  
34 deemed a separate offense.

35 Sec. 44. Section 162.13, subsections 1 and 3, Code 2015, are

1 amended to read as follows:

2 1. A person who operates a commercial establishment without  
3 ~~an authorization~~ a license issued or renewed by the department  
4 as required in section 162.2A is guilty of a simple misdemeanor  
5 and each day of operation is a separate offense.

6 3. The failure of a person who owns or operates a commercial  
7 establishment to meet the requirements of this section is  
8 also cause for the suspension or revocation of the person's  
9 ~~authorization~~ license as provided in section 162.10D.

10

EXPLANATION

11

The inclusion of this explanation does not constitute agreement with

12

the explanation's substance by the members of the general assembly.

13

CURRENT LAW. Code chapter 162 provides for the regulation  
14 of commercial establishments that possess or control animals,  
15 other than animals used for an agricultural purpose (Code  
16 section 162.1), by the department of agriculture and land  
17 stewardship (DALs). Commercial establishments include animal  
18 shelters, pounds, and research facilities which are required  
19 to obtain a certificate of registration; boarding kennels,  
20 commercial kennels, and pet shops which are required to  
21 obtain a state license; and commercial breeders, dealers, and  
22 public auctions which are required to obtain a state license  
23 or a permit if licensed by the United States department of  
24 agriculture (USDA) (Code section 162.2A).

25

BILL'S PROVISIONS. This bill refers to each type of  
26 commercial establishment as a class and requires that a person  
27 operating one or more commercial establishments of the same  
28 class obtain a single license. The bill also creates four new  
29 types of licenses for: (1) grooming facilities, (2) animal  
30 rescues, (3) animal sanctuaries, and (4) small breeders,  
31 competitive show breeders, or specialized breeders. The bill  
32 also recognizes animal foster care homes that temporarily  
33 maintain dogs or cats on behalf of animal rescues, animal  
34 shelters, and pounds. The bill replaces the current fee system  
35 with one that includes the assessment of a base amount and

1 the possible assessment of a scheduled amount based on class.  
2 The moneys from fees are still deposited into the commercial  
3 establishment fund. However, an amount is to be transferred  
4 to a new animal rescue remediation fund also under the control  
5 of DALs. The bill requires DALs to perform inspections and  
6 licensees to maintain records. The bill provides that DALs may  
7 take disciplinary action by suspending or revoking the person's  
8 license. It provides that any continuing education program  
9 voluntarily completed by a person operating a commercial  
10 establishment prior to a disciplinary action is not considered  
11 part of such action. The bill provides for the sterilization  
12 of dogs or cats that are in the custody of an animal sanctuary.  
13 Greyhound dogs used in pari-mutuel wagering are exempted from  
14 regulation. Finally, the bill provides that the attorney  
15 general or a county attorney may bring a criminal action in  
16 order to enforce the provisions of the Code chapter and allows  
17 a court to provide injunctive relief.