

MAR 4 2005
Place On Calendar

HOUSE FILE 583
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 202)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act limiting causes of action against veterinary practitioners
2 who provide care to animals suffering distress.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 583

H-1145

1 Amend House File 583 as follows:
2 1. Page 1, by striking lines 25 and 26, and
3 inserting the following: "The care must be provided
4 in good faith and must be reasonable. In addition,
5 one".
6 2. Page 2, by striking lines 12 and 13, and
7 inserting the following:
8 "____. The care must be provided in good faith and
9 must be reasonable."
10 3. By renumbering as necessary.

H-1145 FILED MARCH 22, 2005 **By** ANDERSON of Page

HF 583

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1 Section 1. Section 169.3, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. "Veterinary practitioner" means any
4 of the following:

5 a. A veterinarian who may practice veterinary medicine
6 pursuant to a valid license or temporary permit issued by the
7 board pursuant to section 169.4.

8 b. A professional corporation organized under chapter 496C
9 which is owned and operated by one or more veterinarians
10 practicing veterinary medicine pursuant to a valid license
11 issued by the board pursuant to section 169.4.

12 Sec. 2. Section 169.12, unnumbered paragraph 4, Code 2005,
13 is amended to read as follows:

14 Any licensee who is desirous of changing residence to
15 another state or territory shall, upon application to the
16 department and payment of the legal fee, receive a certified
17 statement that the licensee is a duly licensed practitioner in
18 this state.

19 Sec. 3. NEW SECTION. 169.21 LIMITATION ON LIABILITY --
20 CARE OF ABUSED OR NEGLECTED ANIMAL.

21 1. A veterinary practitioner shall not be liable for civil
22 damages for an act or omission occurring when providing care
23 to an animal as defined in section 717A.1, including any act
24 or omission arising from the practice of veterinary medicine.
25 The care must be provided in good faith and the act or
26 omission must not constitute recklessness. In addition, one
27 of the following conditions must apply:

28 a. The animal is taken by a county or city, including as
29 part of a rescue of livestock as provided in section 717.2A,
30 for disposition pursuant to section 717.5, or as part of the
31 rescue of another animal, for disposition pursuant to section
32 717B.4.

33 b. The animal is distressed by disease or injury that
34 would result in severe and prolonged suffering. An animal's
35 distress is conclusively presumed to result in severe and

1 prolonged suffering if the animal is livestock which is abused
2 or neglected as provided in chapter 717 or the animal is
3 subject to abuse, neglect, or torture as provided in chapter
4 717B. The veterinary practitioner must provide notice of the
5 care to a peace officer of a county sheriff's office or police
6 department which has jurisdiction to take the animal.

7 2. A veterinary assistant shall not be liable for civil
8 damages for an act or omission occurring when providing care
9 to an animal, including any act or omission arising from the
10 practice of veterinary medicine, if all of the following
11 apply:

12 a. The care is provided in good faith and the act or
13 omission does not constitute recklessness.

14 b. The act or omission is under the direction or
15 supervision of a veterinary practitioner as provided in
16 subsection 1.

17 **EXPLANATION**

18 This bill amends Code chapter 169, which governs veterinary
19 practice, including by regulating veterinarians who are
20 required to be issued a license or temporary permit by the
21 Iowa board of veterinary medicine. The bill refers to these
22 persons as veterinary practitioners. The bill also provides
23 that a veterinary practitioner includes a professional
24 corporation owned and operated by veterinarians.

25 The bill provides for the care of animals which are subject
26 to unwarranted physical harm. Specifically, the bill creates
27 a "good Samaritan" exception to a right to bring a civil
28 action for damages. Under the bill, the exception bars a
29 person from bringing a cause of action against a veterinary
30 practitioner for an act or omission occurring when the
31 veterinary practitioner provided care to an animal. Certain
32 conditions apply. The care must be provided in good faith and
33 the act or omission cannot constitute recklessness. Livestock
34 or another domesticated animal must be taken by a county or
35 city, including as part of a rescue under Code chapter 717 or

1 717B. The animal must be distressed by disease or injury that
2 would result in prolonged suffering. Alternatively, it is
3 conclusively presumed that an animal is in distress if it is
4 harmed in a manner that violates a provision in only those
5 Code chapters providing for abuse, torture, or neglect. The
6 veterinary practitioner must notify the appropriate county
7 sheriff's office or police department.

8 The bill also bars a civil action against a veterinary
9 assistant for an act or omission occurring when providing care
10 to the animal as long as the care is provided in good faith,
11 the act or omission does not constitute recklessness, and the
12 act or omission is under the direction or supervision of a
13 veterinary practitioner.

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HOUSE FILE 583
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 202)

(As Amended and Passed by the House March 29, 2005)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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House Amendments _____

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12 Sec. 2. Section 169.12, unnumbered paragraph 4, Code 2005,
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15 another state or territory shall, upon application to the
16 department and payment of the legal fee, receive a certified
17 statement that the licensee is a duly licensed practitioner in
18 this state.

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29 part of a rescue of livestock as provided in section 717.2A,
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35 distress is conclusively presumed to result in severe and

1 prolonged suffering if the animal is livestock which is abused
2 or neglected as provided in chapter 717 or the animal is
3 subject to abuse, neglect, or torture as provided in chapter
4 717B. The veterinary practitioner must provide notice of the
5 care to a peace officer of a county sheriff's office or police
6 department which has jurisdiction to take the animal.

7 2. A veterinary assistant shall not be liable for civil
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10 practice of veterinary medicine, if all of the following
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Succeeded
SF/HF_583

HSB 202
JUDICIARY

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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