

162.10A Commercial establishments — standard of care.

1. *a.* A commercial establishment shall provide for a standard of care that ensures that an animal in its possession or under its control is not lacking any of the following:

(1) Adequate feed, adequate water, housing facilities, sanitary control, or grooming practices, if such lack causes adverse health or suffering.

(2) Veterinary care.

b. A commercial establishment, other than a research facility or pet shop, shall provide for the standard of care for dogs and cats in its possession or under its control, and a research facility or pet shop shall provide for the standard of care for vertebrate animals in its possession or under its control.

2. *a.* Except as provided in paragraph “*b*” or “*c*”, a commercial establishment shall comply with rules that the department adopts to implement [subsection 1](#). A commercial establishment shall be regulated under this paragraph “*a*” unless the person is a state licensee as provided in paragraph “*b*” or a permittee as provided in paragraph “*c*”.

b. A state licensee who is a commercial breeder owning, breeding, transporting, or keeping a greyhound dog for pari-mutuel wagering at a racetrack as provided in [chapter 99D](#) may be required to comply with different rules adopted by the department.

c. A permittee is not required to comply with rules that the department adopts to implement a standard of care as provided in [subsection 1](#) for state licensees and registrants. The department may adopt rules regulating a standard of care for a permittee, so long as the rules are not more restrictive than required for a permittee under the Animal Welfare Act. However, the department may adopt prescriptive rules relating to the standard of care. Regardless of whether the department adopts such rules, a permittee meets the standard of care required in [subsection 1](#) if it voluntarily complies with rules applicable to state licensees or registrants. A finding by the United States department of agriculture that a permittee complies with the Animal Welfare Act is not conclusive when determining that the permittee provides a standard of care required in [subsection 1](#).

3. A commercial establishment fails to provide for a standard of care as provided in [subsection 1](#) if the commercial establishment commits abuse as described in [section 717B.2](#), neglect as described in [section 717B.3](#), or torture as provided in [section 717B.3A](#).

2010 Acts, ch 1030, §15, 29

Referred to in [§162.10C](#), [162.11](#), [162.12A](#), [162.13](#), [717B.2](#), [717B.3](#), [717B.3A](#)