

21—67.1(162) Definitions.

“Acclimated” means the animal is accustomed to a climate or environment and has the ability to maintain its body temperature.

“Adequate feed” means the provision at suitable intervals of not more than 24 hours or longer if the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish or container.

“Adequate space” means the animals contained within the primary enclosure all must have the ability to comfortably turn about, stand erect, sit or lie with limbs fully extended.

“Adequate water” means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

“Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

“Animal warden” means any person employed, contracted, or appointed by the state, municipal corporation, or any political subdivision of the state, for the purpose of aiding in the enforcement of the provisions of Iowa Code chapter 162 or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals and includes any peace officer, animal control officer, or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

“Animal Welfare Act” means the federal Animal Welfare Act, 7 U.S.C. Ch. 54, and regulations promulgated by the United States Department of Agriculture and published in 9 C.F.R. Ch. 1.

“Authorization” means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in Iowa Code section 162.2A.

“Boarding kennel” means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a consideration.

“Breeding male or female” means any sexually intact adult dog or cat over 12 months of age.

“Cleaning” means the mechanical removal of organic matter and waste through the application of soap, detergent or other cleaning agent followed by the rinsing of all surfaces with clean water.

“Commercial breeder” means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or fewer breeding males or females is not a commercial breeder. However, a person who breeds any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel wagering at a racetrack as provided in Iowa Code chapter 99D shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.

“Commercial establishment” or *“establishment”* means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

“Commercial kennel” means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.

“Commingle” means to combine animals from different owners in a common area or enclosure.

“Common area” means any area where dogs are commingled for exercise or social interaction.

“Dealer” means any person who is engaged in the business of buying for resale or selling or exchanging dogs or cats, or both, as a principal or agent, or who claims to be so engaged.

“Department” means the department of agriculture and land stewardship.

“Direct and immediate visual supervision” means a person providing visual supervision is located on the premises and within the line of sight of the animal and is available to provide immediate attention to the animals within the group.

“Distemper” means canine distemper virus or feline panleukopenia virus.

“*Dog day care*” means a facility licensed as a commercial kennel or a boarding kennel and designed and operated with the intention that a dog admitted to the facility is allowed, in compliance with this chapter, to mingle and interact with other dogs in one or more playgroups operating in the facility.

“*Euthanasia*” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.

“*Facility*” means all buildings, yards, pens and other areas, or any portion thereof, at a single location in which any animal is kept, handled, or transported for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, rescuing or otherwise transferring.

“*Federal license*” means a license issued by the United States Department of Agriculture to a person classified as a dealer or exhibitor pursuant to the federal Animal Welfare Act.

“*Federal licensee*” means a person to whom a federal license as a dealer or exhibitor is issued.

“*Foster care home*” means a private residence that is authorized to provide temporary shelter and care for an animal that has been accepted by a foster oversight organization.

“*Foster oversight organization*” means a registered animal shelter or pound or licensed dealer which has been authorized by the department to utilize foster care homes in its operation.

“*Group housing*” means more than two animals housed together within the same primary enclosure.

“*Housing facilities*” means any room, building, or area used to contain a primary enclosure or enclosures.

“*Identification*” means breed, color, markings, sex, and age of the dog or cat. If applicable, identification can also include a microchip number, rabies tag number, tattoo, or other similar form of identification.

“*In-home facility*” means an individual required to be licensed as a boarding kennel, commercial breeder, commercial kennel, or dealer who maintains or harbors animals within the individual’s residence.

“*Isolation*” means the separation, for the period of communicability, of infected animals from other animals in such a place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.

“*Isolation facility*” means the location where animals infected with disease may be placed to contain, control and limit the spread of disease.

“*Kennel*” means a facility, location, or area where dogs or cats are brought together or commingled for the purpose of, but not limited to, boarding, grooming, or training.

“*Licensee*” means any person or facility authorized to operate pursuant to Iowa Code chapter 162.

“*Parvo*” means canine parvovirus or feline panleukopenia virus.

“*Permittee*” means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to Iowa Code section 162.2A.

“*Person*” means person as defined in Iowa Code chapter 4.

“*Pet shop*” means an establishment where a dog, cat, rabbit, rodent, nonhuman primate, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale. However, a pet shop does not include an establishment if one of the following applies:

1. The establishment receives less than \$500 from the sale or exchange of vertebrate animals during a 12-month period.

2. The establishment sells or exchanges less than six animals during a 12-month period.

“*Potable water*” means liquid water suitable for drinking.

“*Pound*” means a facility for the prevention of cruelty to animals operated by the state, a municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

“*Primary enclosure*” means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage, or compartment.

“*Public auction*” means any place or location where dogs or cats, or both, are sold at auction to the highest bidder regardless of whether the dogs or cats are offered as individuals, as a group, or by weight.

“*Registrant*” means a pound, animal shelter, or research facility to whom a certificate of registration is issued by the department pursuant to Iowa Code section 162.2A.

“*Rescue*” means a person or group of persons, licensed as a dealer, who holds itself out as an animal rescue, or who accepts, purchases, exchanges or solicits for dogs or cats with the intention of finding permanent adoptive homes or providing lifelong care for such dogs and cats or who uses foster homes as a primary means of housing dogs or cats.

“*Rescue manager*” means any person designated by a rescue to carry out the responsibilities of the rescue.

“*Research facility*” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in this state concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

“*Residence*” means any area or space where a person lives or resides.

“*Sanitize*” means to disinfect inanimate objects to eliminate as many or all pathogenic microorganisms, except bacterial spores.

“*Seizure and impoundment,*” as used in this chapter, means either of the following:

1. The confinement of the animals to the property of the owner or custodian of the animals with provisions being made for the care of the animals pending review and final disposition.
2. The physical removal of the animals to another facility for care pending review and final disposition.

“*State fiscal year*” means the fiscal year described in Iowa Code section 3.12.

“*State licensee*” means any of the following:

1. A boarding kennel, commercial kennel, or pet shop to whom a state license is issued by the department pursuant to Iowa Code section 162.2A.
2. A commercial breeder, dealer, or public auction to whom a state license is issued in lieu of a permit by the department pursuant to Iowa Code section 162.2A.

“*Transfer*” means to adopt, sell, give away, trade, barter, exchange, return or convey ownership of an animal.

“*Vertebrate animal*” means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species, and ostriches, rheas, or emus.

“*Veterinarian*” means a person who is validly and currently licensed to practice veterinary medicine in the state of Iowa.

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