



Iowa Federation of Animal Owners

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2010 has been a roller coaster ride for professional dog breeders in Iowa regarding legislation. Through the last two years, IaFed has worked long and hard for the right to continue to raise dogs and cats responsibly in our state. We realize that to some the legislation just passed into law seems oppressive and unworkable. However, we disagree. We encourage you to read the entire detailed explanations we have made available to you before making judgments about what has taken place. Remember, USDA licensed dog breeders can still raise puppies in this state according to a standard of care that is not more restrictive than the Animal Welfare Act and regulations. Responsible dog breeders CAN stay in business with this new legislation!

A brief history: In Iowa, legislative sessions are set up on two year cycles. Legislation proposed in 2009 that did not move out of a committee to be discussed and voted on in the House of Representatives or the Senate was still “alive” and could easily start moving through the chambers once the session began in 2010. The proposed bill we fought in 2009 was only put on hold after that session and the issue was assigned to an interim study committee. IaFed worked diligently educating the legislators that were assigned to that committee. Kennel tours were given and hours were spent discussing dog breeding in Iowa. Many ideas were suggested by both sides of the issue. Dog breeders in this state need to accept the fact that there are some substandard kennels that paint a bad picture for everyone and there needs to be a way to bring them into compliance with existing law, or encourage them to go out of business. It is the only way good operations are going to survive. Nine recommendations were made by the legislators on that committee after their meeting on September 29, 2009.

- 1) That the General Assembly provides that upon complaint the state may inspect the establishment of a federal licensee who is issued a state certificate of inspection.
- 2) That the General Assembly provide that a federal licensee who is issued a state certificate of inspection as a commercial breeder attend hours of continuing training if the commercial breeder violates the federal Animal Welfare Act.
- 3) That the General Assembly increase fees imposed upon federal licensees who are being issued a state certificate or registration, that those fees be retained by DALS and not deposited into the state’s General Fund, and that the fees be used to support the department’s regulation of commercial establishments.
- 4) That the General Assembly provide methods necessary to better identify persons who operate a commercial establishment without being issued a state license or state certificate of registration as required by law.
- 5) That the General Assembly provide that a veterinarian report to the state a serious violation of a standard of care applicable to a dog that the veterinarian examines in the veterinarian’s office (see the reporting system in Illinois).

- 6) That the Department of Revenue consistently enforce the collection of the sales tax currently imposed on persons who sell companion animals on a retail basis, including enforcement on persons operating commercial establishments who fail to remit sales tax on the sale of dogs as required by law.
- 7) That the State Veterinarian investigate the possibility of requiring veterinarians to issue certificates of inspection or health certificates when dogs are moved within the state, and report the results of the investigation to the General Assembly.
- 8) That the Legislative Services Agency research provisions in Colorado statutes that address issues discussed by the Committee during its meeting, and report the results of that research to the Committee.
- 9) ***(Read this one very carefully. This letter has been written!)*** That the Legislative Services Agency draft a letter for submission by the co-chairpersons on behalf of the Committee members of Iowa's congressional delegation, and to the Secretary of Agriculture, United States Department of Agriculture, which expresses concern regarding the failure of a federal inspector in Iowa to adequately report violations of the federal Animal Welfare Act and USDA regulations in inspection reports, and to encourage the delegation to meet with the Secretary or the appropriate undersecretary responsible for the department's Animal and Plant Health Inspection Service.

*IaFed was instrumental in bringing only ideas #2, #4, and #6 to the table for discussion at the interim study committee meeting.

Continuing on.....Early in the beginning of the 2010 session, IaFed was given a proposed bill in draft form. It was a terrible animal activist leaning bill. It is very important to understand that, in the end, because of the opposing forces in this issue, the legislators decided it was going to be a "legislators' bill." Legislators worked with both sides and were determined to get a bill passed. No, we did not get everything we wanted. Neither did our opposition! It was a bill of compromises. Our lobbying team worked extensively to make the language of this bill something the licensed dog breeding industry could live with and continue to raise puppies responsibly. IaFed was able to bring this bill language around by removing the bad language it contained. IaFed does not support or condone illegal and/or substandard commercial establishments. We feel this legislation will help to correct that problem and still allow responsible people to continue to operate their facilities.

Listed below are some noteworthy changes made to Iowa Code Chapter 162- Care of Animals in Commercial Establishments

If you want to cross reference Iowa Law, Chapter 162, and other chapters referenced in the legislation that just passed, HF 2280, use this link to begin your search:
<http://www.legis.state.ia.us/Legislation.html>.

Please remember that it is very important when interpreting proposed legislation and current laws to check out all the laws cross referenced in the language. It can greatly affect the meaning of the law.

- 1) **Added to Iowa code: “Section 162.2. This chapter does not apply to livestock as defined in section 717.1 or any other agricultural animal used in agricultural production as provided in 717A.”**

Explanation: The language was added to assure the livestock producers that this legislation would not be a slippery slope for them. This tactic was used by our opposition to cripple our lobbying power by allowing livestock groups to distance themselves from the issue. Farm Bureau, for instance, took advantage of this amendment, and we did not receive their help.

- 2) **New definitions added to the code that are important to understand:**

- a. **"Authorization"** means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in section 162.2A. *(Federally licensed facilities are now called permittees)*
- b. **"Commercial establishment"** or "establishment" means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility. *(This new definition is very important as will be pointed out later.)*
- c. **"Permittee"** means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to section 162.2A. *(Federally licensed breeders will now receive permits from the state instead of being “registered” with the state.)*

- 3) **Wording regarding the right to a public hearing before revocation or suspension of an authorization has been removed from this law. HOWEVER,** Iowa Law has a code chapter 17A which all departments must follow. It protects our rights to a hearing before action would take place regardless whether or not it is spelled out in the bill that just passed into law.
- 4) **There may be some new rules made by the department involving the standard of care of animals in a commercial establishment.** However, these rules must be made in accordance with Iowa Code Chapter 17A.4A which protects small businesses from unreasonable legislation and IaFed will be monitoring this process closely. The rules made for federally licensed facilities cannot be more restrictive than the Animal Welfare Act and regulations.
- 5) **The law went into effect immediately.** Be sure to have your establishment in compliance with existing animal care regulations and use good grooming practices affecting the health of your animals. State licensees and registrants follow state regulations and federal licensees, who are now state permittees, follow USDA regulations. Your current license/registration is valid until your renewal date.
- 6) **A tax identification number is now a requirement for issuances or renewals of authorizations.** The number will be kept confidential except for tax collection purposes.
- 7) **Be sure to have a sales tax permit number and collect sales tax on retail sales of puppies.** Send it to the state on time! You do not need to charge sales tax on puppies that are sold wholesale.
- 8) **Please refer to the included table for additional explanations of the key changes and additions to Iowa Code Chapter 162.** The table explains the way the law was before, the proposed changes first suggested, and the final wording of the law.