

This table explains the key changes to Iowa Code Chapter 162 – Care of animals in commercial establishments

Original Iowa Law Before 2010 Session	Draft language starting in 2009	Final wording passed in 2010 Session
<p>Licensees and Registrants: regulated facilities were divided into these two groups. Different fees and regulations were applied to each group and types of facilities in each group</p>	<p>Licensees, registrants, and permittees: regulated facilities are divided into three groups: Registrants: pound, animal shelter, or research facility Licensees: boarding kennel, commercial kennel, pet shop and commercial breeders, dealers, or public auctions that hold state licenses. Permittees: commercial breeder, dealer, or public auction who holds a federal license.</p>	<p>This wording did not change from the draft bill. <i>laFed saw this as a lot of “smoke” but no “fire” and saw no reason to argue over this change. It adds a lot of confusion, but does no harm.</i></p>
<p>Yearly Fee Schedules: Government owned pound: \$0 Privately owned pound: \$15 Animal Shelter: \$0 State Licensed Commercial kennel: \$40 State licensed Public Auction: \$40 State Licensed commercial breeder: \$40 State Licensed dealer: \$100 Boarding Kennel: \$30 Research Facility: \$0 Pet shop: \$50 Federally Licensed Facilities: \$20 *Fees paid went into the state general fund</p>	<p>Yearly Fee Schedules: Government owned pound: \$0 Privately owned pound: \$15 Animal Shelter: \$0 Research Facility: \$0 State Licensed Boarding Kennel: \$150 State Licensed Commercial Kennel: \$150 All other regulated establishments: the department shall adopt rules for the establishment or adjustment of fees required to be paid for the issuance or renewal of the authorizations. The department was encouraged to use the fee schedule adopted by USDA. The fee shall not be less than \$50 *Fees would go directly into the Department of Ag’s budget to pay for the increased inspection process.</p> <p><i>laFed opposed this action because there was no cap on the fees and the department could adjust the fees yearly! Some of the adjustment was to be based on legislators’ decision as to how many inspectors were needed. With the open ended fee schedule, we did not want the Dept. of Ag’s budget woes to end up on the backs of dog breeders.</i></p>	<p>Yearly Fee Schedules: Registrants: \$75 Licensees and Permittees: \$175 *a person must be issued a separate license, certificate of registration, or permit for each commercial establishment owned or operated by the person. **Fees will go directly into the Dept. of Ag’s budget to pay for the increased inspection process.</p> <p><i>laFed supported the fees going to the Dept. of Ag if the fees had a cap. laFed negotiated hard to keep fees at a level we could live with. We wanted the fees to be the same for all licensed facilities. We saw the necessity to compromise at the level that was passed into law.</i></p>

Sources for Purchasing animals.....		
Original.....	Draft language.....	Final wording.....
<p>State regulation of sources from which animals are purchased: no regulation</p> <p><i>*Remember that USDA licensed facilities have federal regulations on this issue which states that a federally licensed facility cannot purchase from a facility that needs a federal license but does not have one except for breeding purposes.</i></p>	<p>State regulation of sources from which animals are purchased: pet shops, dealers, commercial breeder, and public auctions cannot purchase a dog or cat from a commercial establishment that does not have a valid authorization.</p> <p><i>laFed opposed this as written because it could have prevented commerce across state lines and restricted the purchase of breeding stock in some cases</i></p>	<p>State regulation of sources from which animals are purchased: research facilities, pet shops, boarding kennels, commercial kennels, dealers, commercial breeders, and public auctions shall not purchase a dog or cat from a commercial establishment that does not have a valid authorization issued or renewed under this chapter, or a similar authorization issued by another state.</p> <p><i>laFed successfully corrected the interstate commerce issue and reminds everyone that if someone owns three or less intact animals for breeding, that person is not considered to be a commercial establishment in Iowa.</i></p>
Collection of Taxes.....		
Original.....	Draft language.....	Final Wording.....
<p>Collection of sales tax on retail sales of puppies has already been a law for many years.</p> <p>The following chapter has been law for many years also:</p> <p>Chapter 421.18 DUTIES OF PUBLIC OFFICERS AND EMPLOYEES. It shall be the duty of all public officers and employees of the state and local governments to give to the director of revenue information in their possession relating to taxation when required by the director, and to cooperate with and aid the director's efforts to secure a fair, equitable, and just enforcement of the taxation and revenue laws.</p>	<p>The department shall transfer information contained in an application to the department of revenue as necessary to ensure that the department of revenue may collect necessary sales tax revenue from commercial establishments.</p> <p><i>This is just a reinforcement of existing law. This is not a new law.</i></p>	<p>The Department of Agriculture will cooperate with the Department of Revenue to collect appropriate taxes due the state, including sales tax.</p> <p>(As mentioned in the original language, Chapter 421.18 DUTIES OF PUBLIC OFFICERS AND EMPLOYEES has been a law for many years.)</p> <p><i>laFed supports either all breeders collecting sales tax on retail sales made in Iowa, or that no breeders be required to collect sales tax. If you, as a breeder, sell puppies retail in Iowa and do not collect sales tax, it is important that you contact the state, get a sales tax permit number, and start collecting sales tax. The number to call is: 1-866-503-3453</i></p>
Mandatory Vet reporting.....		
Original.....	Draft Language.....	Final Wording.....
<p>No Language</p>	<p>Mandatory vet reporting to the Department of Ag if the vet suspected animal abuse or neglect.</p> <p><i>This language was all encompassing for all pet owners. laFed opposed this part of the bill.</i></p>	<p>Mandatory Vet reporting was removed from the bill by an amendment in the House floor debate.</p> <p><i>laFed supported the removal of this section of the bill.</i></p>

INSPECTION PROCESS.....		
Original.....	Draft Language.....	Final wording.....
<p>State inspection of commercial establishments:</p> <p>1) Facilities regulated by the state are inspected by state inspectors on a regular basis. Federally licensed facilities were only required to apply and pay for a \$20 yearly certificate of registration and were not subject to any further state regulation or inspection.</p> <p>2) USDA and state licensed kennels were subject to animal abuse and neglect laws (Iowa code 717B). These laws could be enforced by local law enforcement. Animals could be confiscated and euthanized.</p>	<p>State inspection of commercial establishments:</p> <p>1) Facilities and records of state registrants and licensees may be inspected by the state any time during normal business hours. Permittees may be monitored by state inspectors entering onto its business premises during normal working hours if there is reasonable cause to suspect the standard of care required is not being provided. Reasonable cause is determined by the department receiving an oral or written complaint or facility has standard of care violations on a USDA inspection report. If access is denied inspectors by any commercial establishment the department may obtain an administrative search warrant.</p> <p><i>*In 2009, the original proposed bill language said the department SHALL inspect a federally licensed facility if it receives any complaint about the facility.</i></p> <p><i>laFed opposed this language because of the mandatory inspection and unqualified complaint process.</i></p> <p>Remember:</p> <p>2) Commercial establishments are subject to animal abuse and neglect laws (Iowa code 717B). These laws can be enforced by local law enforcement. Animals could be confiscated and euthanized</p>	<p>State inspection of commercial establishments:</p> <p>1) Facilities and records of state registrants and licensees may be inspected by the state any time during normal business hours. A permittee may be monitored by state inspectors entering onto its business premises during normal working hours if there is reasonable cause to suspect the standard of care required is not being provided. Reasonable cause is determined by the department receiving an oral or written complaint. The complainant must provide the complainant's name, address, and telephone number to the department. This information will be kept confidential unless used in judicial proceedings. Standard of care violations on a USDA inspection report is also considered a reasonable cause. The department is not required to dedicate any number of hours to viewing or analyzing such reports. If access is denied inspectors by any commercial establishment, the department may obtain an administrative search warrant.</p> <p><i>laFed successfully changed the mandatory inspection process to one where the Department of Ag is <u>allowed</u> to inspect a USDA licensed facility but it doesn't have to if there does not seem to be a need. This protects against harassment of repeated inspections when there is no reason to do so. laFed negotiated into place a method to qualify the complaint system.</i></p> <p>Remember:</p> <p>2) Commercial Establishments are subject to animal abuse and neglect laws (Iowa code 717B). These laws can be enforced by local law enforcement. Animals could be confiscated and euthanized.</p>

Standard of care.....		
Original.....	Draft Language.....	Final Wording.....
<p>1. To insure that all dogs and cats handled by boarding kennels, commercial kennels, commercial breeders, dealers, and public auctions are provided with humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them and to provide that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.</p> <p>2. To authorize the sale, trade, or adoption of only those animals which appear to be free of infectious or communicable disease.</p> <p>3. To protect the public from zoonotic disease.</p> <p>*Veterinary Care for state regulated facilities to comply with the law is found in the Department of Ag’s regulations under Chapter 67 – Animal Welfare. It covers routine veterinary care, transporting, and treating disease and injury.</p> <p>**Veterinary Care for federally licensed facilities is found in the Animal Welfare Act and Animal Welfare Regulations handbook under Regulations – Subpart D 2.40. It also covers routine veterinary care, transporting, and treating disease and injury.</p>	<p>New Section added - standard of care: 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 adequate feed, adequate water, housing facilities, sanitary control, grooming practices affecting the health of the animals or veterinary care by complying with rules adopted by the department. Permittees are not required to comply with the rules the department adopts if they “meet the standard of care without complying with the rules the department adopts.”</p> <p><i>laFed opposed this language because it was very confusing and open ended. The USDA exemption was removed and federally licensed facilities were going to be inspected to state regulations. Grooming requirements were added to the code. Grooming must be done so the dog is not subject to adverse health issues. This added language came about because pictures of a dog with severely matted hair coats that had caused sores and hindered the dog’s movements were shown to our legislators. The legislators were told that this dog was purchased from an auction and came out of a Iowa USDA licensed facility. Whether or not this presentation was completely truthful was immaterial at this point because the images remained imprinted in viewers’ minds.</i></p>	<p>New Section in the Law – standard of care: A commercial establishment shall provide for a standard of care that ensures that an animal is receiving adequate feed, water, housing facilities, sanitary control, and grooming practices to prevent adverse health or suffering, and the animal has veterinary care. State licensees and registrants shall comply with rules the department adopts to implement the standard of care. A permittee is not required to comply with the rules the department adopts. However, the department may adopt prescriptive rules regulating a standard of care for a permittee, if the rules are not more restrictive than required under the Animal Welfare Act. A good USDA inspection report does not necessarily mean that a permittee is meeting the standard of care. A commercial establishment fails to meet the standard of care if it commits animal abuse, neglect, or torture.</p> <p><i>The USDA exemption was removed. laFed corrected this by adding language stating permittees will be inspected to rules not more restrictive than USDA regulations. The grooming language remains in the code. Any responsible breeder would agree that dogs should be sufficiently groomed to prevent ill health.</i></p>

Penalties.....		
Original.....	Draft language.....	Final Wording.....
<p>1) It was a simple misdemeanor to operate a regulated facility without a license when a person was required to have one. Each day was a separate offense.</p> <p>2) It was a simple misdemeanor to fail to meet the standard of care for adequate housing, feeding, and watering dogs, cats, and vertebrate animals.</p> <p>3) Animals were subject to confiscation and euthanasia</p> <p>4) It was illegal to knowingly ship a diseased animal. This was punishable by a \$100 per animal fine</p> <p>5) A license or registration could be suspended or revoked for violations of consumer fraud laws, animal abuse or neglect laws, or shipping a diseased animal. This was subject to a public hearing under Iowa Code 17A.</p> <p><i>Under the existing law, animals could be confiscated and euthanized. This is NOT SOMETHING NEW with the changes to the law.</i></p>	<p>1) In addition to existing requirements, the proposed bill added that the suspension or revocation of an authorization could be done because the person had violated a standard of care for sanitary control, grooming practices affecting the health of the animal and veterinary care.</p> <p>2) CEU's could be required by the Department of Ag if there was a violation of Iowa Code 162 (Law governing raising and caring for dogs and cats), 717B (law governing animal abuse, neglect, or torture), and 714.16 (law governing consumer fraud). The CEUs would be at least 3 and no more than 8 units in a 12 month period after the violation occurred.</p> <p>3) Civil penalties of up to \$1000/day/dog/violation. For small kennels (less than 6 animals) the penalty was capped at \$100/day per each day of operating without an authorization.</p> <p><i>laFed encouraged CEU requirements for violations. Our philosophy is education first before penalties laFed strongly opposed open-ended and unrealistic penalties.</i></p>	<p>In addition to existing requirements:</p> <p>1) Sanitary control, grooming practices that affect the animals' health, and vet care remain in the bill as cause for suspension or revocation of an authorization.</p> <p>2) CEU's may be required to renew an authorization as in the draft language.</p> <p>3) laFed successfully lobbied for a reduction in civil penalties and for a "grace period" to correct a violation. Civil penalties went from \$1000/day/dog/violation (totally uncapped) to \$500 for the first day. At this time the inspectors must give a plan of corrective action and a 15 day "grace period" to correct the problem. If the problem is not corrected in 15 days, then the person will be subject to \$500/day fine (maximum).</p> <p>4) Penalties for operating without an authorization have been increased to a civil penalty of \$1000/day.</p> <p><i>laFed successfully argued against unreasonable civil penalties and advocated for the 15 day "grace period." While some people feel what was passed is unworkable, please consider what it would have been without laFed standing for you and your rights to own animals responsibly in Iowa. Another huge victory we won was the fact that this applies to "ALL" commercial establishments which includes shelters and rescues.</i></p>