



## IOWA PROPOSES ADDITIONAL AMENDMENTS TO COMMERCIAL ESTABLISHMENT REGULATIONS

### The Issue.

Senate Study Bill 3126 amends current commercial establishment laws by raising certification fees for commercial kennels, public auctions, dealers and commercial breeders. The bill would also authorize the Iowa Department of Agriculture & Land Stewardship to regulate commercial establishments that care for dogs or cats (as set forth in HSB 604 introduced this session as well).

### The Impact.

Current law states that any federally licensed commercial establishment, including a commercial kennel, public auction or as a dealer or commercial breeder, must also obtain a certificate of registration from the department. Under this legislation, the fee for the **issuance of a certificate of registration is raised from \$20 to \$100** for persons who operate commercial kennels, public auctions and as a dealer or commercial breeder. **SSB 3126 exempts any commercial establishments that care for Iowa whelped dogs involved in pari-mutuel racing.**

The bill eliminates Iowa Code section 162.11(2) which states that “a certificate of registration may be denied or revoked if the person no longer possesses a current and valid federal license”. However, the department may deny or revoke an application for a certificate of registration if the department determines that the practices of the commercial establishment do not comply with the requirements of the Iowa code.

(NOTE: Definitions for the commercial establishments listed in this legislation can be found in the Iowa Code section 162.2, attached at the end of the online version of this PetAlert)

The bill also authorizes the Department of Agriculture & Land Stewardship to regulate commercial establishments that care for dogs or cats. The department is also granted authority to regulate any person who applies for or has been issued a certificate of registration as a commercial kennel, public auction, dealer or commercial breeder.

### Recommended Action.

This bill comes on the heels of HSB 604, introduced earlier this month, pertaining to commercial establishments. Raising certification fees from \$20 to \$100 could be very detrimental to people operating commercial kennels, public auctions or acting as breeders or dealers.

SSB 3126 has been assigned to the Senate Committee on Ways & Means; however, a hearing has yet to be set. As soon as this information becomes available it will be posted on the Breaking News Page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>) Please check the website regularly for updates.



Contact information for committee members is listed below. Also, to easily contact both members of the Committee, as well as your own Representative, visit PIJAC's [Legislative Action Center](http://www.pijac.org/governmentaffairs) on the PIJAC website (<http://www.pijac.org/governmentaffairs>) to learn how.

Anyone operating one of the commercial establishments listed in this bill should be aware of the new fees. We urge you to read the entire text of the bill. The text to SSB 3126 is attached to the online version of this *PetAlert*, found on the 'Breaking News' page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>).

If you have further questions please feel free to contact PIJAC's Bambi Nicole Osborne by phone at 202-452-1525 or via email at [bambi@pijac.org](mailto:bambi@pijac.org).

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**IOWA CODE:**  
**162.2 DEFINITIONS.**

As used in this chapter, except as otherwise expressly provided:

1. *"Adequate feed"* means the provision at suitable intervals of not more than twenty-four 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.
2. *"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 twenty-four hours at any interval.
3. *"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.
4. *"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 this chapter 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.

5. "*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.
6. "*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 or harbors more than three breeding male or female greyhounds for the purposes of using them for pari-mutuel racing shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.
7. "*Commercial kennel*" means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.
8. "*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.
9. "*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.
10. "*Housing facilities*" means any room, building or area used to contain a primary enclosure or enclosures.
11. "*Person*" means person as defined in chapter 4.
12. "*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:
  - a. The establishment receives less than five hundred dollars from the sale or exchange of vertebrate animals during a twelve-month period.
  - b. The establishment sells or exchanges less than six animals during a twelve-month period.
13. "*Pound*" or "*dog 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.
14. "*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.
15. "*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.
16. "*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.
17. "*Vertebrate animal*" means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species, and ostriches, rheas, or emus.

**Section History: Early Form**

[C75, 77, 79, 81, § 162.2]

**Section History: Recent Form**

86 Acts, ch 1245, § 611; 88 Acts, ch 1186, § 1--4; 92 Acts, ch 1094, § 1; 92 Acts, ch 1212, § 6; 95 Acts, ch 43, § 4; 2005 Acts, ch3, §40; 2009 Acts, ch 133, §70

Referred to in § 162.20, 165B.5, 169.5, 351.37, 717.1A, 717.2, 717.5, 717A.1, 717B.2, 717B.3, 717B.3A, 717B.4, 717B.8, 717D.3, 717F.2, 717F.7, 717F.10

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**On behalf of pets, responsible pet owners, and the pet industry, we thank you!**

2009 IA SSB  
3126

**AUTHOR:** Ways and Means  
**VERSION:** Introduced  
**VERSION DATE:** 01/26/2010

**STATE OF IOWA**

**Senate Study Bill 3126**

SENATE FILE

BY (PROPOSED COMMITTEE ON WAYS AND MEANS BILL BY CHAIRPERSON BOLKCOM)

**A BILL FOR**

An Act relating to commercial establishments required to be certified to keep certain pets, by providing for regulation, the imposition of fees, and an appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 162.2, Code Supplement 2009, is amended by adding the following new subsection:

*NEW SUBSECTION.* 8A. "Department" means the department of agriculture and land stewardship.

Sec. 2. Section 162.6, Code 2009, is amended to read as follows:

162.6 Commercial kennel or public auction license.

A person shall not operate a commercial kennel or public auction unless the person has obtained a license to operate a commercial kennel or a public auction issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and the certificate expire one year from date of issue unless revoked. The license fee is forty dollars per year and the certification fee is ~~twenty~~ one hundred dollars annually. If the person has obtained a federal license, the person need only obtain a certificate. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary. A person who cares for Iowa whelped dogs regulated under section 99D.22 is exempt from paying the certification fee.

Sec. 3. Section 162.7, Code 2009, is amended to read as follows:

162.7 Dealer license.

A person shall not operate as a dealer unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The license and certificate expire one year from date of issue unless revoked. The license fee is one hundred dollars per year and the certification fee is ~~twenty~~ one hundred dollars per year. The license may be renewed upon application and payment of the fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory

requirements. The certificate may be renewed upon application and payment of the fee in the manner provided by the secretary. A person who cares for Iowa whelped dogs regulated under section 99D.22 is exempt from paying the certification fee.

Sec. 4. Section 162.8, Code 2009, is amended to read as follows:

162.8 Commercial breeder's license.

A person shall not operate as a commercial breeder unless the person has obtained a license issued by the secretary or unless the person has obtained a certificate of registration issued by the secretary if the kennel is federally licensed. Application for the license or the certificate shall be made in the manner provided by the secretary. The annual license or the certification period expires one year from date of issue. The license fee is forty dollars per year and the certificate fee is ~~twenty one hundred~~ twenty one hundred dollars per year. The license may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary if the licensee has conformed to all statutory and regulatory requirements. The certificate may be renewed upon application and payment of the prescribed fee in the manner provided by the secretary. A person who cares for Iowa whelped dogs regulated under section 99D.22 is exempt from paying the certification fee.

Sec. 5. Section 162.11, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 6. Section 162.12, Code 2009, is amended to read as follows:

162.12 ~~Denial or revocation of license or registration~~ Regulation.

1. The department shall provide for the regulation of a person who applies for or has been issued a certificate of registration as a commercial kennel or public auction pursuant to section 162.6, a dealer pursuant to section 162.7, or a commercial breeder under section 162.8. 2. A certificate of registration may be denied to any pound or animal shelter and a license or certificate of registration may be denied to any public auction, boarding kennel, commercial kennel, research facility, pet shop, commercial breeder, or dealer, or an existing certificate or license may be revoked by the secretary if, after public hearing, it is determined that the housing facilities or primary enclosures are inadequate under this chapter or if the feeding, watering, cleaning, and housing practices at the pound, animal shelter, public auction, pet shop, boarding kennel, commercial kennel, research facility, or those practices by the commercial breeder or dealer, are not in compliance with this chapter or with the rules adopted pursuant to this chapter. The premises of each licensee or certificate holder shall be open for inspection during normal business hours.

Sec. 7. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP -- REGULATION OF COMMERCIAL ESTABLISHMENTS. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting an inspector for the enforcement of chapter 162, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: ..... \$ 100,000 ..... FTEs 1.00

#### EXPLANATION

This bill amends a provision in Code chapter 162 authorizing the department of agriculture and land stewardship to regulate commercial establishments that care for dogs or cats. Generally, a commercial establishment must obtain a license or certificate of registration. The bill addresses several types of commercial establishments that have obtained a federal license in lieu of a state license. These include a commercial kennel (Code section 162.6), public auction (Code section 162.6), dealer (Code section 162.7), and commercial breeder (Code section 162.8). A federally licensed commercial establishment must still obtain a certificate of registration from the department and must pay a certification fee of \$20. Two Code sections address certificates of registration issued to a federally licensed commercial establishment. Code section 162.11(2) provides that other than obtaining a certificate of

registration, the commercial establishment is not subject to further departmental regulation. However, Code section 162.12 provides that the department may deny an application for a certificate of registration or revoke a certificate of registration that has been issued if the department determines that the practices of the commercial establishment do not comply with the requirements of the Code chapter.

The bill increases the fee for the issuance of a certificate of registration to \$100, but exempts commercial establishments that care for Iowa whelped dogs involved in pari-mutuel racing. The bill eliminates Code section 162.11(2) and amends Code section 162.12 to expressly direct the department to regulate a person who applies for or has been issued a certificate of registration as a commercial kennel or public auction, dealer, or commercial breeder. The bill also makes an appropriation and allocates a full-time equivalent position to the department in order to enforce the provisions of the Code chapter.