

MAR 9 2001
Agriculture

HOUSE FILE 572
BY BARRY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to wolves and wolf hybrids by providing for the
2 breeding, sale, and possession of wolves and wolf hybrids and
3 providing for fees and a penalty.

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

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HF 572

1 Section 1. Section 162.2, Code 2001, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 18. "Wolf" means the same as defined in
4 section 717C.1.

5 NEW SUBSECTION. 19. "Wolf hybrid" means the same as
6 defined in section 717C.1.

7 Sec. 2. Section 162.12, Code 2001, is amended to read as
8 follows:

9 162.12 DENIAL OR REVOCATION OF LICENSE OR REGISTRATION.

10 1. A certificate of registration may be denied to any
11 person who is operating a pound or animal shelter and a
12 license or certificate of registration may be denied to any
13 person who is operating a public auction, boarding kennel,
14 commercial kennel, research facility, pet shop, commercial
15 breeder, or dealer, or an existing certificate or license may
16 be revoked by the secretary department if, after public
17 hearing, it is determined that the-housing any of the
18 following apply:

19 a. Housing facilities or primary enclosures are inadequate
20 under this chapter or-if-the or rules adopted pursuant to this
21 chapter.

22 b. Practices relating to the feeding, watering, cleaning,
23 and or housing practices-at-the-pound, animal-shelter, public
24 auction, pet-shop, boarding-kennel, commercial-kennel,
25 research-facility, or-those-practices-by-the-commercial
26 breeder-or-dealer, of animals are not in compliance with this
27 chapter or with the rules adopted pursuant to this chapter.

28 c. The person is in violation of section 162.17 or chapter
29 717C.

30 2. The premises of each licensee or certificate holder
31 shall be open for inspection during normal business hours.

32 Sec. 3. Section 162.15, Code 2001, is amended to read as
33 follows:

34 162.15 VIOLATION-BY-ANIMAL-WARDEN VIOLATIONS.

35 1. Violation A person who acts in violation of any of the

1 following commits a simple misdemeanor:

2 a. Any provision of this chapter which that relates to the
3 seizing seizure, impoundment, and custody of an animal by an
4 animal warden shall-constitute-a-simple-misdemeanor-and-each.
5 Each animal handled in violation of the provision shall
6 constitute a separate offense.

7 b. Section 162.17. Each animal kept in violation of the
8 section constitutes a separate offense.

9 Sec. 4. NEW SECTION. 162.17 WOLVES AND WOLF HYBRIDS.

10 A public auction, commercial kennel, pet shop, breeder, or
11 dealer shall not keep a wolf or wolf hybrid on its premises.

12 Sec. 5. NEW SECTION. 717C.1 DEFINITIONS.

13 As used in this section, unless the context otherwise
14 requires:

15 1. "Custodian" means a person who keeps or has control
16 over a wolf or wolf hybrid on property in which the person has
17 a legal interest.

18 2. "Dog" means a canine animal classified within the
19 family canidae, that is a member of the genus canis belonging
20 to the species canis familiaris.

21 3. "Local authority" means a city as defined in section
22 362.2 or a county as provided in chapter 331.

23 4. "Sell" means a transfer or offer for a transfer of
24 property for consideration, including a lease, exchange, or
25 trade.

26 5. "Wolf" means a canine animal classified within the
27 family canidae, that is a member of the genus canis belonging
28 to the species canis lupes commonly referred to as a grey
29 wolf, canis rufus commonly referred to as a red wolf, or canis
30 simensis commonly referred to as an Ethiopian wolf. "Wolf"
31 includes a canine animal that is the offspring produced by the
32 breeding of wolves, regardless of their species.

33 6. "Wolf hybrid" means any of the following:

34 a. A canine animal that is the offspring produced by
35 breeding a dog with a wolf.

1 b. A canine animal that is the offspring produced by
2 breeding a dog or a wolf with a canine animal, if the canine
3 animal being bred is the offspring produced by breeding a dog
4 with a wolf.

5 Sec. 6. NEW SECTION. 717C.2 WOLVES AND WOLF HYBRIDS --
6 PROHIBITIONS.

7 A person shall not do any of the following:

8 1. Sell a wolf or wolf hybrid.

9 2. Breed a wolf with a dog or breed a dog or a wolf with a
10 wolf hybrid.

11 Sec. 7. NEW SECTION. 717C.3 REGISTRATION REQUIREMENTS.

12 A person shall not keep a wolf or wolf hybrid unless the
13 wolf or wolf hybrid is registered with the local authority
14 having jurisdiction of the location where the wolf or wolf
15 hybrid is kept. In order to register the wolf or wolf hybrid,
16 the person must be the custodian of the wolf or wolf hybrid
17 and comply with all requirements of the local authority as
18 adopted by ordinance. The requirements shall at least provide
19 for all of the following:

20 1. a. An identification of the wolf or wolf hybrid
21 according to registration number. The local authority may
22 require that the wolf or wolf hybrid be tattooed with a
23 registration number or installed with an electronic
24 identification device placed onto or beneath the hide of the
25 wolf or wolf hybrid. The identification device when installed
26 shall store information in an electronic format regarding the
27 wolf or wolf hybrid, as provided by the local authority having
28 jurisdiction of the location where the wolf or wolf hybrid is
29 kept. The electronic identification device must be accessible
30 by a computer for purposes of reading or manipulating the
31 information. The local authority may also require that the
32 person submit a photograph of the wolf or wolf hybrid.

33 b. The sterilization of the wolf or wolf hybrid.

34 A veterinarian licensed pursuant to chapter 169 must tattoo
35 the wolf or wolf hybrid or implant the electronic

1 identification device. A local authority shall not register a
2 wolf or wolf hybrid unless the custodian registering with the
3 local authority confirms that the wolf or wolf hybrid has been
4 identified and sterilized by a licensed veterinarian who
5 performed the procedure. The confirmation shall be a receipt
6 furnished by the office of the attending veterinarian.

7 2. Evidence that the wolf or wolf hybrid is kept in a
8 secure enclosure maintained by the custodian.

9 3. The submission of a registration fee as established by
10 the local authority. The amount of the registration fee shall
11 not exceed one dollar. The local authority shall keep all
12 fees collected under this section.

13 Sec. 8. NEW SECTION. 717C.4 SECURITY REQUIREMENTS.

14 A custodian of the wolf or wolf hybrid shall keep the wolf
15 or wolf hybrid in a secure enclosure according to requirements
16 of the local authority having jurisdiction of the location
17 where the wolf or wolf hybrid is kept. The requirements may
18 provide that the custodian maintain a sign in a conspicuous
19 location warning persons of the presence of the wolf or wolf
20 hybrid. A wolf of wolf hybrid that is not enclosed must be
21 attended by the custodian or a person authorized by the
22 custodian.

23 Sec. 9. NEW SECTION. 717C.5 CONFISCATION.

24 A local authority having jurisdiction of the location where
25 the wolf of wolf hybrid is kept may confiscate the wolf or
26 wolf hybrid, if the custodian violates the provisions of this
27 chapter or the wolf or wolf hybrid presents a danger to public
28 safety as provided by ordinance adopted by the local
29 authority. The local authority shall dispose of the wolf or
30 wolf hybrid according to procedures adopted by ordinance.

31 Sec. 10. NEW SECTION. 717C.6 STRICT LIABILITY.

32 A custodian of a wolf or wolf hybrid that damages property
33 or injures a person shall be liable for damages based upon
34 strict liability in tort, regardless of compliance with this
35 chapter.

1 bill provides certain exceptions that apply to federal, state,
2 or local governmental entities, pounds or animal shelters, or
3 zoos.

4 The bill also amends Code chapter 162, regulating animals
5 in commercial establishments by the department of agriculture
6 and land stewardship. The bill provides that the department
7 may deny or revoke a license or certificate of registration to
8 a person regulated under the Code chapter as a public auction,
9 boarding kennel, commercial kennel, pet shop, commercial
10 breeder, or dealer who keeps a wolf or wolf hybrid.

11 The bill provides that a person in violation of the
12 prohibitions in either Code chapter is guilty of a simple
13 misdemeanor.

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