

FILED MAR 10 2005

SENATE FILE 336  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1196)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act limiting causes of action against veterinary practitioners  
2 who provide care to animals suffering distress.

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

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SENATE FILE 336

**S-3028**

- 1 Amend Senate File 336 as follows:
- 2 1. Page 1, by striking lines 25 and 26, and
- 3 inserting the following: "The care must be provided
- 4 in good faith and must be reasonable. In addition,
- 5 one".
- 6 2. Page 2, by striking lines 12 and 13, and
- 7 inserting the following:
- 8 "\_\_\_\_. The care must be provided in good faith and
- 9 must be reasonable."
- 10 3. By renumbering as necessary.

By FRANK B. WOOD

**S-3028** FILED MARCH 15, 2005

SC 336

1 Section 1. Section 169.3, Code 2005, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 14. "Veterinary practitioner" means any  
4 of the following:

5 a. A veterinarian who may practice veterinary medicine  
6 pursuant to a valid license or temporary permit issued by the  
7 board pursuant to section 169.4.

8 b. A professional corporation organized under chapter 496C  
9 which is owned and operated by one or more veterinarians  
10 practicing veterinary medicine pursuant to a valid license  
11 issued by the board pursuant to section 169.4.

12 Sec. 2. Section 169.12, unnumbered paragraph 4, Code 2005,  
13 is amended to read as follows:

14 Any licensee who is desirous of changing residence to  
15 another state or territory shall, upon application to the  
16 department and payment of the legal fee, receive a certified  
17 statement that the licensee is a duly licensed practitioner in  
18 this state.

19 Sec. 3. NEW SECTION. 169.21 LIMITATION ON LIABILITY --  
20 CARE OF ABUSED OR NEGLECTED ANIMAL.

21 1. A veterinary practitioner shall not be liable for civil  
22 damages for an act or omission occurring when providing care  
23 to an animal as defined in section 717A.1, including any act  
24 or omission arising from the practice of veterinary medicine.  
25 The care must be provided in good faith and the act or  
26 omission must not constitute recklessness. In addition, one  
27 of the following conditions must apply:

28 a. The animal is taken by a county or city, including as  
29 part of a rescue of livestock as provided in section 717.2A,  
30 for disposition pursuant to section 717.5, or as part of the  
31 rescue of another animal, for disposition pursuant to section  
32 717B.4.

33 b. The animal is distressed by disease or injury that  
34 would result in severe and prolonged suffering. An animal's  
35 distress is conclusively presumed to result in severe and

1 prolonged suffering if the animal is livestock which is abused  
2 or neglected as provided in chapter 717 or the animal is  
3 subject to abuse, neglect, or torture as provided in chapter  
4 717B. The veterinary practitioner must provide notice of the  
5 care to a peace officer of a county sheriff's office or police  
6 department which has jurisdiction to take the animal.

7 2. A veterinary assistant shall not be liable for civil  
8 damages for an act or omission occurring when providing care  
9 to an animal, including any act or omission arising from the  
10 practice of veterinary medicine, if all of the following  
11 apply:

12 a. The care is provided in good faith and the act or  
13 omission does not constitute recklessness.

14 b. The act or omission is under the direction or  
15 supervision of a veterinary practitioner as provided in  
16 subsection 1.

17 EXPLANATION

18 This bill amends Code chapter 169, which governs veterinary  
19 practice, including by regulating veterinarians who are  
20 required to be issued a license or temporary permit by the  
21 Iowa board of veterinary medicine. The bill refers to these  
22 persons as veterinary practitioners. The bill also provides  
23 that a veterinary practitioner includes a professional  
24 corporation owned and operated by veterinarians.

25 The bill provides for the care of animals which are subject  
26 to unwarranted physical harm. Specifically, the bill creates  
27 a "good Samaritan" exception to a right to bring a civil  
28 action for damages. Under the bill, the exception bars a  
29 person from bringing a cause of action against a veterinary  
30 practitioner for an act or omission occurring when the  
31 veterinary practitioner provided care to an animal. Certain  
32 conditions apply. The care must be provided in good faith and  
33 the act or omission cannot constitute recklessness. Livestock  
34 or another domesticated animal must be taken by a county or  
35 city, including as part of a rescue under Code chapter 717 or

1 717B. The animal must be distressed by disease or injury that  
2 would result in prolonged suffering. Alternatively, it is  
3 conclusively presumed that an animal is in distress if it is  
4 harmed in a manner that violates a provision in only those  
5 Code chapters providing for abuse, torture, or neglect. The  
6 veterinary practitioner must notify the appropriate county  
7 sheriff's office or police department.

8 The bill also bars a civil action against a veterinary  
9 assistant for an act or omission occurring when providing care  
10 to the animal as long as the care is provided in good faith,  
11 the act or omission does not constitute recklessness, and the  
12 act or omission is under the direction or supervision of a  
13 veterinary practitioner.

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