



## HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 651 (HSB 152)	House Committee: <b>PASSED</b> March 2 (17-5)
Committee: State Government	House Floor:
Floor Manager: Rep. Bossman	Senate Floor:
Date: April 11, 2023	Governor:
Staff: Jason Covey (1-3626)	

### Dog Breed Bans

- Bill prohibits counties and cities from enacted bans on dogs based on breeds, perceived breeds, or characteristics of the dog.
- Updates Iowa Code on the definition of dogs as property.
- Limits the authority for law enforcement to kill a dog not in possession of the owner only in jurisdictions without shelters or in jurisdictions where there is no available housing for the dogs.
- Removes the requirement that a dog wears a rabies vaccination tag as proof of ownership.

### Section by Section Analysis

#### Section 1 – Dogs as property — right to own dog (Iowa Code 351.25)

Strikes the section and replaces it with new language to define a dog as property if the dog is less than 4 months old or owned by a person with proof of identification (rabies vaccine tag, tattoo, implanted device, contract indicating ownership, record of ongoing patient-client relationship with a vet, or other documented history).

Prohibits a county from adopting an ordinance that restricts a person's right to own or keep a dog based on the breed, perceived breed, or physical characteristics of the dog.

#### Section 2 – Peace officer authority to kill dog (Iowa Code 351.26)

Strikes and replaces section to authorize a peace officer to kill a dog in their respective jurisdiction only if the jurisdiction has not provided for the seizure and impoundment of dogs or if there is no temporary housing available to secure in or near the jurisdiction. This shall not apply to dogs that are under the control of the owner or an agent of the owner.

#### Section 3 – Authority to kill dog (Iowa Code 351.27)

Conforming language change to section 1.

#### Section 4 – Rabies vaccination (Iowa Code 351.33)

Lowers the age requirement for rabies vaccines for dogs from 6 months to 4 months old.

Section 5 – Dogs running at large — impoundment — disposition (Iowa Code 351.37(1,2))

Conforming language change to section 1.

Section 6 – Tampering with a rabies vaccination tag — penalties (Iowa Code 351.45(1)(b))

Strikes reference to section that no longer applies after being amended by this bill.

Section 7 – Limitation of powers (Iowa Code 364.3(18))

NEW SUBSECTION – Prohibits cities from restricting or hindering a person’s right to own or keep a dog based on the breed, perceived breed, or physical characteristics of the dog.

Section 8 - Homeowner’s and renter’s 24 insurance — dangerous or high risk dogs (515.116)

New Section – Requires an owner of a dog classified as dangerous by city ordinance to have a insurance policy in an amount equal to or greater than the coverage required by city ordinance.

Prohibits an insurer to refuse to issue or renew a policy, charge an increased rate, or cancel an insurance policy based solely on the ownership of a specific breed of dog. However, if the owner lives in a city or county with an ordinance the insurance company based on sound underwriting principles are allowed to change insurance coverage based upon rules adopted by the Insurance Commissioner.

Section 9 – REPEAL (Iowa Code 351.29)

Repeals the section of code that states if one section of the chapter on Dogs and other animals is found unconstitutional the other sections does not invalidate the remaining sections.

Section 10 – EFFECTIVE DATE

Section 8 goes into effect 180 days after enactment.

Section 11 – APPLICABILITY

Section 8 applies to insurance policies issues or renewed on or after the effective date of the section.

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## Amendment Analysis

**H-1070 by Bossman**

Strikes the requirement that the Insurance Commissioner adopts rules related to Section 8 of the bill.

**H-1172 by Bossman**

Strikes the requirement that the Insurance Commissioner adopts rules related to Section 8 of the bill.

Amends that refusal/cancelation or changes to an insurance policy that classification of dangerous or high risk dog breeds are based on sound underwriting and actuarial principles and not city/county ordinances.

**H-1195 by Bossman**

Strikes sections 2 and 3 of the bill. If an policyholder has custody of a dog classified as dangerous or high risk based on sound underwriting and actuarial principles related to actual or anticipated loss an insurer may refuse to issue or renew a policy, charge or impose a premium or rate increase, or cancel a policy.