

NUISANCES

CHAPTER 657

NUISANCES

Referred to in §6B.56, 318.6, 318.11, 364.22B, 446.7

[P]

Anhydrous ammonia plants, see §200.21
Farm operations, see §352.11

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657.1 Nuisance — what constitutes — action to abate — electric utility defense.

1. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance. A petition filed under this subsection shall include the legal description of the real property upon which the nuisance is located unless the nuisance is not situated on or confined to a parcel of real property or is portable or capable of being removed from the real property.

2. Notwithstanding subsection 1, in an action to abate a nuisance against an electric utility, an electric utility may assert a defense of comparative fault as set out in section 668.3 if the electric utility demonstrates that in the course of providing electric services to its customers it has complied with engineering and safety standards as adopted by the utilities board of the department of commerce, and if the electric utility has secured all permits and approvals, as required by state law and local ordinances, necessary to perform activities alleged to constitute a nuisance.

[C51, §2131 – 2133; R60, §3713 – 3715; C73, §3331; C97, §4302; C24, 27, 31, 35, 39, §12395; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §657.1]

95 Acts, ch 195, §34; 2004 Acts, ch 1077, §1; 2005 Acts, ch 3, §108; 2010 Acts, ch 1050, §8

657.2 What deemed nuisances.

The following are nuisances:

1. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

2. The causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.

3. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

4. The corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

5. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

6. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by chapter 723A, or places resorted to by persons using controlled substances, as defined in section 124.101, subsection 5, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

7. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof.

8. Any object or structure hereafter erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

9. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of a city, unless in a building of fireproof construction, is a public nuisance.

10. The emission of dense smoke, noxious fumes, or fly ash in cities is a nuisance and cities may provide the necessary rules for inspection, regulation and control.

11. Dense growth of all weeds, vines, brush, or other vegetation in any city so as to constitute a health, safety, or fire hazard is a public nuisance.

12. Trees infected with Dutch elm disease in cities.

[C51, §2759, 2761; R60, §4409, 4411; C73, §4089, 4091; C97, §5078, 5080; S13, §713-a, -b, 1056-a19; C24, 27, 31, 35, 39, §5740, 5741, 6567, 6743, 12396; C46, 50, §368.3, 368.4, 416.92, 420.54, 657.2; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §657.2]

92 Acts, ch 1163, §116; 92 Acts, ch 1231, §56; 95 Acts, ch 195, §35; 98 Acts, ch 1072, §1

Referred to in §654B.1

[P] See also abandoned or unsafe buildings, chapter 657A; airport hazards, chapter 329; bee colonies, §160.7; billboards or advertising along highways, §306B.5, 306C.19, 318.11; construction in floodways and floodplains, §455B.275; crop pests and diseases, §177A.5; dams or pumping stations, §481A.14; farm operations, §352.11; highway obstructions, §318.6; levees and drainage ditches, §468.149, 468.150; liquor law violations, §123.60; livestock care and feeding contracts, §654B.1; junkyards, §306C.6; nongame species, §481A.42; property used in hunting and fishing violations, §483A.32; prostitution and gambling, chapter 99; restricted residence district violations, §414.24; slaughterhouse violations, §172A.10; unauthorized signs on highways, §321.259

657.2A Indexing of petition.

1. When a petition affecting real property is filed by a governmental entity under this chapter, the clerk of the district court shall index the petition pursuant to section 617.10, if the legal description of the affected property is included in or attached to the petition.

2. After filing the petition with the clerk of the district court, the governmental entity shall also file the petition in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in section 445.1, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to section 446.7, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at tax sale.

2010 Acts, ch 1050, §9

657.3 Penalty — abatement.

Whoever is convicted of erecting, causing, or continuing a public or common nuisance as provided in this chapter, or at common law when the same has not been modified or repealed by statute, where no other punishment therefor is specially provided, shall be guilty of an aggravated misdemeanor and the court may order such nuisance abated, and issue a warrant as hereinafter provided.

[C51, §2762; R60, §4412; C73, §4092; C97, §5081; S13, §5081; C24, 27, 31, 35, 39, §12397; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §657.3]

657.4 Process.

When upon indictment, complaint, or civil action any person is found guilty of erecting, causing, or continuing a nuisance, the court before whom such finding is had may, in addition to the fine imposed, if any, or to the judgment for damages or cost for which a separate execution may issue, order that such nuisance be abated or removed at the expense of the defendant, and, after inquiry into and estimating as nearly as may be the sum necessary to defray the expenses of such abatement, the court may issue a warrant therefor.

[C51, §2763; R60, §4413; C73, §4093; C97, §5082; C24, 27, 31, 35, 39, §12398; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §657.4]

657.5 Repealed by 72 Acts, ch 1124, § 282.

657.6 Stay of execution.

Instead of issuing such warrant, the court may order the same to be stayed upon motion of the defendant, and upon the defendant's entering into an undertaking to the state, in such sum and with such surety as the court may direct, conditioned either that the defendant will discontinue said nuisance, or that, within a time limited by the court, and not exceeding six months, the defendant will cause the same to be abated and removed, as either is directed by the court; and, upon the defendant's failure to perform the condition of the defendant's undertaking, the same shall be forfeited, and the court, upon being satisfied of such default, may order such warrant forthwith to issue, and action may be brought on such undertaking.

[C51, §2765; R60, §4415; C73, §4095; C97, §5084; C24, 27, 31, 35, 39, §12400; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §657.6]

657.7 Expenses — how collected.

The expense of abating a nuisance by virtue of a warrant can be collected by the officer in the same manner as damages and costs are collected on execution, except that the materials of any buildings, fences, or other things that may be removed as a nuisance may be first levied upon and sold by the officer, and if any of the proceeds remain after satisfying the expense of the removal, such balance must be paid by the officer to the defendant, or to the owner of the property levied upon; and if said proceeds are not sufficient to pay such expenses, the officer must collect the residue thereof.

[C51, §2766; R60, §4416; C73, §4096; C97, §5085; C24, 27, 31, 35, 39, §12401; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §657.7]

657.8 Feedlots.

This chapter shall apply to the operation of a livestock feedlot, only as provided in chapter 172D.

[C77, 79, 81, §657.8]

657.9 Shooting ranges.

Before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the county zoning commission or the city zoning commission, whichever is appropriate. The appropriate commission shall comply with section 335.8 or 414.6. In the event a county or city does not have a zoning commission, the county board of supervisors or the city council shall comply with section 335.6 or 414.5 before granting the approval.

A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been a substantial change in the nature of the use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

[82 Acts, ch 1193, §1]

84 Acts, ch 1067, §49

657.10 Mediation notice.

Notwithstanding this chapter, a person, required under chapter 654B to participate in mediation, shall not begin a proceeding subject to this chapter until the person receives a mediation release under section 654B.8, or until the court determines after notice and hearing that one of the following applies:

1. The time delay required for the mediation would cause the person to suffer irreparable harm.
 2. The dispute involves a claim which should be resolved as a class action.
- 90 Acts, ch 1143, §27

657.11 Animal feeding operations.

1. The purpose of this section is to protect animal agricultural producers who manage their operations according to state and federal requirements from the costs of defending nuisance suits, which negatively impact upon Iowa's competitive economic position and discourage persons from entering into animal agricultural production. This section is intended to promote the expansion of animal agriculture in this state by protecting persons engaged in the care and feeding of animals. The general assembly has balanced all competing interests and declares its intent to protect and preserve animal agricultural production operations.

2. An animal feeding operation, as defined in section 459.102, shall not be found to be a public or private nuisance under this chapter or under principles of common law, and the animal feeding operation shall not be found to interfere with another person's comfortable use and enjoyment of the person's life or property under any other cause of action. However, this section shall not apply if the person bringing the action proves that an injury to the person or damage to the person's property is proximately caused by either of the following:

a. The failure to comply with a federal statute or regulation or a state statute or rule which applies to the animal feeding operation.

b. Both of the following:

(1) The animal feeding operation unreasonably and for substantial periods of time interferes with the person's comfortable use and enjoyment of the person's life or property.

(2) The animal feeding operation failed to use existing prudent generally accepted management practices reasonable for the operation.

3. This section does not apply to a person during any period that the person is classified as a chronic violator under this subsection as to any confinement feeding operation in which the person holds a controlling interest, as defined by rules adopted by the department of natural resources. This section shall apply to the person on and after the date that the person is removed from the classification of chronic violator. For purposes of this subsection, "confinement feeding operation" means an animal feeding operation in which animals are confined to areas which are totally roofed, and which are regulated by the department of natural resources or the environmental protection commission.

a. (1) A person shall be classified as a chronic violator if the person has committed three or more violations as described in this subsection prior to, on, or after July 1, 1996. In addition, in relation to each violation, the person must have been subject to either of the following:

(a) The assessment of a civil penalty by the department or the commission in an amount equal to three thousand dollars or more.

(b) A court order or judgment for a legal action brought by the attorney general after referral by the department or commission.

(2) Each violation must have occurred within five years prior to the date of the latest violation, counting any violation committed by a confinement feeding operation in which the person holds a controlling interest. A violation occurs on the date the department issues an administrative order to the person assessing a civil penalty of three thousand dollars or more, or on the date the department notifies a person in writing that the department will recommend that the commission refer, or the commission refers the case to the attorney general for legal action, or the date of entry of the court order or judgment, whichever occurs first. A violation under this subsection shall not be counted if the civil penalty ultimately imposed is less than three thousand dollars, the department or commission does not refer the action to the attorney general, the attorney general does not take legal action, or a court order or judgment is not entered against the person. A person shall be removed from the classification of chronic violator on the date on which the person and all confinement feeding operations in which the person holds a controlling interest have committed less than three violations described in this subsection for the prior five years.

b. For purposes of counting violations, a continuing and uninterrupted violation shall be considered as one violation. Different types of violations shall be counted as separate violations regardless of whether the violations were committed during the same period. The violation must be a violation of a state statute, or a rule adopted by the department, which applies to a confinement feeding operation and any related animal feeding operation

structure, including an anaerobic lagoon, earthen manure storage basin, formed manure storage structure, or egg washwater storage structure; or any related pollution control device or practice. The structure, device, or practice must be part of the confinement feeding operation. The violation must be one of the following:

(1) Constructing or operating a related animal feeding operation structure or installing or using a related pollution control device or practice, for which the person must obtain a permit, in violation of statute or rules adopted by the department, including the terms or conditions of the permit.

(2) Intentionally making a false statement or misrepresenting information to the department as part of an application for a construction permit for the related animal feeding operation structure, or the installation of the related pollution control device or practice, for which the person must obtain a construction permit from the department.

(3) Failing to obtain a permit or approval by the department for a permit to construct or operate a confinement feeding operation or use a related animal feeding operation structure or pollution control device or practice, for which the person must obtain a permit from the department.

(4) Operating a confinement feeding operation, including a related animal feeding operation structure or pollution control device or practice, which causes pollution to the waters of the state, if the pollution was caused intentionally, or caused by a failure to take measures required to abate the pollution which resulted from an act of God.

(5) Failing to submit a manure management plan as required, or operating a confinement feeding operation required to have a manure management plan without having submitted the manure management plan.

4. This section shall apply regardless of the established date of operation or expansion of the animal feeding operation. A defense against a cause of action provided in this section includes, but is not limited to, a defense for actions arising out of the care and feeding of animals; the handling or transportation of animals; the treatment or disposal of manure resulting from animals; the transportation and application of animal manure; and the creation of noise, odor, dust, or fumes arising from an animal feeding operation.

5. If a court determines that a claim is frivolous, a person who brings the claim as part of a losing cause of action against a person who may raise a defense under this section shall be liable to the person against whom the action was brought for all costs and expenses incurred in the defense of the action.

6. This section does not apply to an injury to a person or damages to property caused by the animal feeding operation before May 21, 1998.

95 Acts, ch 195, §36; 96 Acts, ch 1118, §1; 98 Acts, ch 1209, §38, 39, 53; 99 Acts, ch 114, §58, 59; 2013 Acts, ch 30, §261

Referred to in §266.43, 266.44, 266.45

[T] Code editor directive applied

**IOWA DEPT. OF PUBLIC HEALTH
RECOMMENDED PROCEDURES FOR
LOCAL BOARDS OF HEALTH
FOR THE IDENTIFICATION AND ABATEMENT
OF PUBLIC HEALTH NUISANCES**

One of the most frequent, and sometimes most troublesome, duties of the board of health is the handling of nuisance complaints. Situations which arise tend to be varied, but most can be addressed by following simple procedures.

Although a large proportion of complaints will be received in the form of requests or demands for legal action, it should be remembered that many of these can be settled with reasonable solutions and without formal legal action. The key is to determine if the conditions create a public health or safety hazard. If legal action does become necessary, the county (or city) attorney should respond well to cases that show a clear attempt to execute the steps and procedures followed by local boards in its attempt to gain voluntary compliance.

- STEP 1. Upon receiving the complaint (written or verbal), contact the second party for any additional information, and if necessary, arrange for an informal meeting of the two parties. NOTE: At times one can help successfully resolve a complaint over the phone. So, a meeting may not be necessary.
- STEP 2. If it appears that there are physical conditions that may create or are creating a public health or safety hazard, a Board of Health member, or staff, should visit the site to make and record observations. (Take photos, chronologically organize events, locate hazards, etc....)
- STEP 3. Make a final determination whether conditions identified, in some reasonable way, affects the safety or health of the public. In most cases, the following conditions **are not** considered hazards to public health and safety: deteriorated properties that are structurally sound, weeds, odors, noise, piles of wood, barking dogs, etc.....

The following **are examples** of conditions that usually are considered a hazard to public health and safety: Open or abandoned wells, unsecured falling structures, untreated sewage, chemical wastes, air contaminants, etc.....

Local Boards certainly can make recommendations and referrals (to other policies, regulations, agencies or persons) to help on nuisances evaluated as non public hazards, **BUT THEY ONLY HAVE RESPONSIBILITY TO ASSURE THAT PUBLIC HEALTH HAZARDS ARE ADDRESSED.** (May be beneficial to keep copies of other policies, regulations, or contacts for reference.)

- STEP 4. After making a determination that a public health/safety hazard exists:
- a. Contact responsible party of the hazardous conditions and give reasoning why the conditions present a hazard to public health/safety and request a timely response to abate the hazards. Be certain to keep detailed/precise documentation of dates and contacts.
 - b. If no response is received, prepare a more detailed request in writing. Outline the observations and reasons why the conditions are considered to be a threat to the public's / community's health. Give a specific time limit for a response and ask for a plan for correction. Keep a copy of everything, and be prepared to forward copies of documentation and evidence to county/city attorney in case legal action becomes necessary.
 - c. If still no response, return to site with previous documentation and photos to confirm existence of conditions. Again, carefully document and photograph findings. Prepare a final request, similar to the previous one, but with the additional statement that the case will be referred to the county/city attorney if no response is received. CC the county/city attorney.
 - d. If there still is no response, meet with your attorney and present the file of investigation notes, letters, photographs, and request legal action.

If it is clear that a public health/safety hazard exists, and the sequence of events and notifications are clearly documented, a good county/city attorney will back you and appreciate your attention to the necessary details.

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NUISANCE HAZARD REPAIR STATUS

Property Investigated: _____

Property Owner: _____

Address (if different): _____

Phone #: _____

Please check one box and fill out any additional information:

The nuisance hazard repair work is completed, and is ready for re-inspection

The nuisance hazard repair work is partially complete. Please list the hazards that still remain as well as the hazards you have repaired. Use the back of this paper if you need more space.

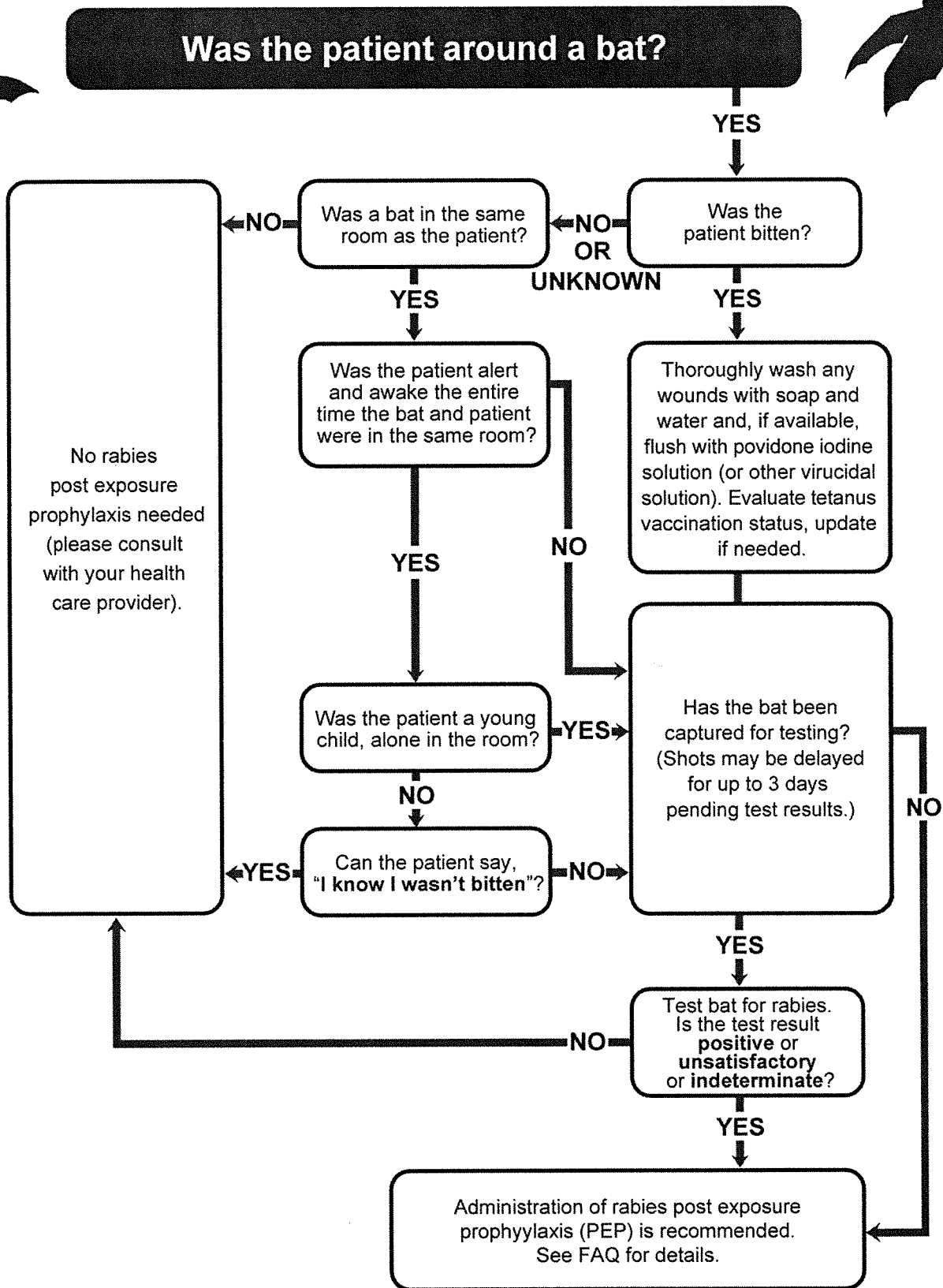
Completed Hazard Repairs

Remaining Hazards

The nuisance hazard work has not been started.

Reason: _____

Rabies Exposure Management for Bat-related Incidents



For further questions call:
 During business hours: 800-362-2736
 After hours: 515-323-4360



Iowa Department of Public Health,
 Center for Acute Disease Epidemiology (CADE)

<http://www.idph.state.ia.us/CADE/DiseaseIndex.aspx?disease=Rabies>
<http://www.cdc.gov/rabies>



<http://www.cfsph.iastate.edu>

Rabies exposure management frequently asked questions (FAQs)

What constitutes an exposure?

- There was a bite from an animal to a human.
- There was saliva/neural tissue contact from an animal to a human's open cut or mucous membrane.
- A bat is found in the same room with a sleeping person, an unattended child, an intoxicated person, or anyone unable to confirm that they were NOT bitten.

What is NOT an exposure?

- Other contact, such as contact with blood, urine, skunk spray, or feces, does not constitute an exposure and is not an indication for prophylaxis.

If a person that has not been vaccinated is exposed to a rabid animal, what is required for post exposure prophylaxis?

- Human Rabies Immune-Globulin (HRIG) on day 0, plus a series of Human Rabies Vaccines (HRV) on days 0, 3, 7, and 14 (immune compromised patients should receive a 5th dose on day 28 and subsequent titer check).

If a person previously vaccinated with Human Rabies Vaccine is exposed to a rabid animal, what is required for post exposure prophylaxis?

- Persons with previous rabies vaccination [completed series of the three vaccine pre exposure prophylaxis or the series of four/five vaccines and Human Rabies Immune Globulin post exposure prophylaxis (using Human Diploid Cell Vaccine, Rabies Vaccine Adsorbed, or Purified Chick Embryo Vaccines)], should receive two doses of rabies vaccine on days 0 and 3. The person does not need Human Rabies Immune Globulin.
- Persons previously vaccinated with a rabies vaccination regimen NOT LISTED ABOVE should receive full post exposure prophylaxis unless they have a documented rabies antibody titer (corresponding to complete neutralization dilution of 1:5 or greater by RFFIT testing). Persons with a documented antibody titer should receive two doses of rabies vaccine on days 0 to 3.

What if a patient can't / doesn't adhere to the rabies post exposure vaccination schedule?

The effectiveness of the rabies vaccines may be compromised if the recommended vaccination schedule is not followed. EVERY EFFORT should be made to administer the vaccines in accordance with the recommended schedule. If a rabies vaccine has been missed, the schedule should resume with the dose missed (i.e., if day 7 vaccine is missed (3rd dose), administer a vaccine today and call this vaccination the "day 7" (3rd dose) vaccination. The next vaccine (4th dose) would be given in 7 more days on "day 14", in keeping with the remainder of the 0, 3, 7, 14 day schedule. When substantial deviations from the schedule occur, immune status should be assessed by performing serologic testing 7-14 days after administration of the final dose in the series. Immune compromised patients will need a 5th dose of vaccine 14 days later on "day 28" and will also need a subsequent titer check. Contact CADE, (800)362-2736 for additional consultation.

Where can I find Human Rabies Immune Globulin (HRIG) and Human Rabies Vaccine (HRV)?

- Hospitals, especially the larger hospitals, across Iowa carry Human Rabies Immune Globulin and Human Rabies Vaccine.
- If you need to order Human Rabies Immune Globulin (HRIG) or Human Rabies Vaccine (HRV), contact the following manufacturers:

Imogam Rabies	Hyperab (HRIG)	Imovax (HRV) sanofi pasteur	RabAvert (HRV)
sanofi pasteur	Talecris	human diploid cell vaccine	Novartis
800-822-2463	800-243-4153	800-822-2463	purified chick embryo cell culture 800-822-2463 877-683-4732

How do I get an animal tested for rabies?

Animals can be tested for rabies at one of the following laboratories:

	State Hygienic Lab (SHL)	Iowa State University Veterinary Diagnostic Laboratory (VDL)
Address	Coralville Laboratory State Hygienic Laboratory U of I Research Park, 2490 Crosspark Road Coralville, IA 52241 800-421-4692 (call first)	600 S. 16th Street Ames, IA 50010 515-294-1950 (call first)
Web instructions	http://www.shl.uiowa.edu/kitsquotes/forms/rabiesslip.pdf	http://vetmed.iastate.edu/sites/default/files/vdl/forms/RabiesForm.pdf
Submissions	Submit the whole (dead) animal if it is bat-sized or mouse-sized. Submit the HEAD ONLY if animal is larger than a bat/mouse (Should be removed by veterinarian). Live bats are accepted when container labeled "LIVE BAT."	Whole (dead) animal submissions are preferred. Heads of larger animals are accepted (removed by veterinarian, removal instructions on VDL Web site). Occasionally, live animal submissions are accepted with prior approval. There is a fee for euthanasia.
Results	SHL Rabies Test Request Form is required (Available from the SHL Web site). Results are reported ONLY to the physician or veterinarian listed on submission form. Testing is performed 7 days/week. Results (except negatives) phoned to physician/veterinarian.	VDL Rabies Examination Submission Form is required. (Available from the VDL Web site.) Note if a human exposure has occurred for prompt testing. Results are reported to the submitter listed on the submission form. Testing performed M-F (after-hrs testing on approval, only if human exposure). Results phoned to submitter.
Packaging	Double bag the specimen to prevent leaking. Package the specimen with ice or refrigerant packs. DO NOT FREEZE THE SPECIMEN. If bat is alive, label the package "LIVE BAT."	Use a leak-proof container with refrigerant packs. Package the specimen with refrigerant packs. DO NOT FREEZE THE SPECIMEN. Label the package "RABIES SUSPECT."
Transport	Private carrier (patient, relative, or designee) drives the sample and completed form to SHL. Overnight commercial carrier (FedEx preferred) transports properly packaged sample (dead animals only) and completed form.	Private carrier (patient, relative, or designee) drives the sample and completed form to VDL or an overnight commercial carrier (FedEx, UPS, etc.) transports the sample properly packaged and completed form to VDL.
After hours drop off	University of Iowa Hospitals and Clinics (UIHC) Emergency Room will receive after hour samples. Remain in ER until specimen is properly received by ER staff.	Call after hours staff at 515-290-1969 prior to submission for proper drop-off instructions. Dead animals are preferred. There is a fee for euthanasia.
Charge for testing?	There is no charge for testing if there has been a human exposure (exposure definition above).	Yes. Please note if human exposure has occurred to ensure prompt testing.

CHAPTER 167

USE AND DISPOSAL OF DEAD ANIMALS

Referred to in §159.6, 166D.10B

[P]
Definitions applicable to chapter; see §159.1

167.1	Scope.	167.13	Rules.
167.2	Disposal of dead animals.	167.14	Annual inspection.
167.3	"Disposing" defined.	167.15	Transportation of animals — carcasses, parts, or offal material.
167.4	Licensing procedure — fees.	167.16	Driving upon premises of another.
167.5	Inspection of place.	167.17	Disinfecting outfit.
167.6	Repealed by 2004 Acts, ch 1162, §5.	167.18	Duty to dispose of dead bodies.
167.7	Record of licenses.	167.19	Penalty.
167.8	Inspection revealing unsuitable place.	167.20	Appropriation.
167.9	and 167.10 Repealed by 2004 Acts, ch 1162, §5.	167.21	Reciprocal agreements with other states.
167.11	Disposal plants — specifications.	167.22	Chronic wasting disease.
167.12	Disposing of bodies.		

167.1 Scope.

This chapter shall not apply to licensed slaughterhouses, or to the disposal, by licensed slaughterhouses, of the bodies of animals, or any part thereof, slaughtered for human food.
[C24, 27, 31, 35, 39, §2744; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.1]

167.2 Disposal of dead animals.

No person shall engage in the business of disposing of the bodies of dead animals without first obtaining a license for that purpose from the department.
[C24, 27, 31, 35, 39, §2745; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.2]

167.3 "Disposing" defined.

1. A person who receives from any other person the body of any dead animal for the purpose of obtaining the hide, skin, or grease from such animal, in any way whatsoever, or any part thereof, shall be deemed to be engaged in the business of disposing of the bodies of dead animals, and must be the operator or employee of a licensed disposal plant.

2. A disposal plant does not include an operation where the body of a dead animal is cremated, so long as the operation does not use the body of a dead animal for any other purpose described in subsection 1.

[C24, 27, 31, 35, 39, §2746; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.3]
2009 Acts, ch 154, §1

167.4 Licensing procedure — fees.

1. The following shall apply to a person required to be licensed under this chapter:

a. The person shall submit an application for a license to the department in a manner and according to procedures required by the department.

b. The person shall include in the application information as required by the department, on forms prescribed by the department, which shall include at least all of the following:

(1) For a disposal plant, the person shall state the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

(2) For a collection point involving the accumulation of whole animal carcasses or their parts for ultimate transportation to a disposal plant, the person's name and address, the person's proposed place of business, and the total number of vehicles to be involved in the operation.

(3) For a delivery service which transports whole animal carcasses or their parts to a disposal plant or collection point, the person's name and address, the total number of vehicles

to be involved in the operation, and the location where the vehicles involved in the operation are to be maintained.

c. The person shall submit a separate application for each location that the person is to operate as a disposal plant, collection point, or a delivery service.

d. The person shall pay a license fee as follows:

(1) For a disposal plant, one hundred dollars.

(2) For a collection point, one hundred dollars. However, a person is not required to pay the license fee for a collection point which is operated by a disposal plant.

(3) For a delivery service which is not part of the operation of a disposal plant or collection point, fifty dollars.

e. A license issued to a person under this section shall expire on December 31 of each year. The person may renew the license by completing a renewal form as prescribed by the department in a manner and according to procedures required by the department. However, the renewal form must be submitted to the department prior to the license's expiration date. The person shall pay a renewal license fee which shall be for the same amount as the original license fee.

f. A person's license is subject to suspension or revocation by the department if the department determines that the person has committed a material violation of this chapter, including rules adopted by this chapter, or a term or condition of the license. The person may contest the department's action as provided in chapter 17A.

2. Fees collected pursuant to this section shall be deposited into the general fund of the state.

[C24, 27, 31, 35, 39, §2747; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.4]

2004 Acts, ch 1162, §1; 2005 Acts, ch 3, §42; 2009 Acts, ch 133, §206

Referred to in §167.15

167.5 Inspection of place.

On receipt of such application, the secretary of agriculture or some person appointed by the secretary, shall at once inspect the building in which the applicant proposes to conduct such business. If the inspector finds that said building complies with the requirements of this chapter, and with the rules of the department, and that the applicant is a responsible and suitable person, the inspector shall so certify in writing to such specific findings, and forward the same to the department.

[C24, 27, 31, 35, 39, §2748; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.5]

167.6 Repealed by 2004 Acts, ch 1162, § 5. See § 167.4.

167.7 Record of licenses.

The department shall keep a record of all licenses applied for or issued, which shall show the date of application and by whom made, the cause of all rejections, the date of issue, to whom issued, the date of expiration, and the location of the licensed business.

[C24, 27, 31, 35, 39, §2750; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.7]

167.8 Inspection revealing unsuitable place.

If the inspector finds that said building does not comply with the requirements of this chapter or with the rules of the department, the inspector shall notify the applicant wherein the same fails to so comply. If within a reasonable time thereafter, to be fixed by the inspector, the specified defects are remedied, the department shall make a second inspection, and proceed therewith as in case of an original inspection. Not more than two inspections need be made under one application.

[C24, 27, 31, 35, 39, §2751; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.8]

167.9 and 167.10 Repealed by 2004 Acts, ch 1162, § 5. See § 167.4.

167.11 Disposal plants — specifications.

Each place for the carrying on of said business shall, to the satisfaction of the department, be provided with floors constructed of concrete, or some other nonabsorbent material, adequate drainage, be thoroughly sanitary, and adapted to carrying on the business.

This section shall not apply where the state building code, as adopted pursuant to section 103A.7, has been adopted or when the state building code applies throughout the state.

[C24, 27, 31, 35, 39, §2754; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.11]
2004 Acts, ch 1086, §42

167.12 Disposing of bodies.

The following requirements shall be observed in the disposal of such bodies:

1. Cooking vats or tanks shall be airtight, except proper escapes for live steam.
2. Steam shall be so disposed of as not to cause unnecessary annoyance or create a nuisance.
3. The skinning and dismembering of bodies shall be done within said building.
4. The building shall be so situated and arranged, and the business therein so conducted, as not to interfere with the comfortable enjoyment of life and property.
5. Such portions of bodies as are not entirely consumed by cooking or burning shall be disposed of by burying as hereafter provided, or in such manner as the department may direct.
6. In case of disposal by burying, the burial shall be to such depth that no part of such body shall be nearer than four feet to the natural surface of the ground, and every part of such body shall be covered with quicklime, and by at least four feet of earth.
7. All bodies shall be disposed of within twenty-four hours after death.

[C24, 27, 31, 35, 39, §2755; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.12]

167.13 Rules.

The department shall make such reasonable rules for the carrying on and conducting of such business as it may deem advisable, and all persons engaging in such business shall comply therewith.

[C24, 27, 31, 35, 39, §2756; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.13]

167.14 Annual inspection.

The department shall inspect each place licensed under this chapter at least once each year, and as often as it deems necessary, and shall see that the licensee conducts the business in conformity to this chapter and the rules made by the department. For a failure or refusal by any licensee to obey the provisions of this chapter or said rules, the department shall suspend or revoke the license held by such licensee.

[C24, 27, 31, 35, 39, §2757; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.14]

167.15 Transportation of animals — carcasses, parts, or offal material.

1. A person required to be licensed under section 167.4 shall transport a whole or part of an animal carcass or offal material according to requirements adopted by departmental rule.

a. The delivery vehicle's container used for loading and transporting the carcass or offal material shall be constructed according to departmental rules in a manner that prevents parts or liquids associated with the carcass or offal material from escaping during transport.

b. The department shall adopt rules requiring that the delivery vehicle's container be covered when transporting an animal carcass or offal material. However, this requirement shall not apply to a route delivery vehicle used primarily to transport animal carcasses from a farm to another location, unless the department issues a special order as provided in this paragraph. The department may issue such an order and require that the delivery vehicle's container be covered, if the state veterinarian determines that an animal or animal carcass on the farm has been infected or exposed to an infectious or contagious disease or that there has been an outbreak of an infectious or contagious disease in the area where the farm is located.

c. The person shall not overload the delivery vehicle's container with carcasses or offal material.

2. The department shall provide for the inspection of delivery vehicles used to transport carcasses or offal material, and for the inspection of disposal plants, collection points, or other locations in which carcasses or offal material is stored or processed before being delivered to a disposal plant.

[C24, 27, 31, 35, 39, §2758; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.15]
2004 Acts, ch 1162, §2; 2005 Acts, ch 3, §43

167.16 Driving upon premises of another.

Vehicles when loaded with the carcass of an animal which has died of disease shall be driven directly to the place of disposal or transfer, except that the driver in so driving may stop on the highway for other like carcasses, but the driver shall not drive into the yard or upon the premises of any person unless the driver first obtains the permission of the person to do so.

[C24, 27, 31, 35, 39, §2759; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.16]

167.17 Disinfecting outfit.

The driver or owner of a vehicle used in conveying animals which said driver or owner has reason to believe died of disease, shall, immediately after unloading said animals, cause the bed, box, tank or other container of such vehicle, the wheels thereof, all canvas and covers, the feet of the animals drawing said conveyance, and the outer clothing of all persons who have handled said carcasses to be disinfected with a solution of at least one part of creosol dip to four parts of water, or with some other equally effective disinfectant.

[C24, 27, 31, 35, 39, §2760; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.17]

167.18 Duty to dispose of dead bodies.

1. A person who has been caring for or who owns an animal that has died shall not allow the carcass to lie about the person's premises. The carcass shall be disposed of within a reasonable time after death by composting, cooking, burying, or burning, as provided in this chapter, or by disposing of it, within the allowed time, to a person licensed to dispose of it.

2. Subsection 1 does not apply to a veterinarian, issued a valid license or a valid temporary permit by the Iowa board of veterinary medicine as provided in chapter 169, who contains a dead animal's carcass in a manner that prevents an outbreak of disease.

[C24, 27, 31, 35, 39, §2761; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.18]
87 Acts, ch 96, §1; 2009 Acts, ch 154, §2

167.19 Penalty.

A person who violates this chapter or a rule adopted by the department pursuant to this chapter is guilty of a simple misdemeanor. The person may be subject to a civil penalty of not less than one hundred dollars and not more than one thousand dollars for each violation. However, the state shall be precluded from bringing a criminal action against the person if the department has initiated a civil enforcement proceeding. Moneys collected in civil penalties shall be deposited into the general fund of the state.

[C97, §5019; C24, 27, 31, 35, 39, §2762; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.19]
2004 Acts, ch 1162, §3

167.20 Appropriation.

The expense attending the inspection provided for in this chapter shall be paid from any unappropriated funds in the state treasury.

[C24, 27, 31, 35, 39, §2763; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §167.20]

167.21 Reciprocal agreements with other states.

The department is authorized to enter into reciprocal agreements in behalf of this state with any one or more of the states adjacent to this state, providing for permits to be issued to rendering plants located in either state to transport carcasses to their plants over public highways of this state and the reciprocating state.

[C62, 66, 71, 73, 75, 77, 79, 81, §167.21]

167.22 Chronic wasting disease.

1. As used in this section "*chronic wasting disease*" means the same as defined in section 170.1.

2. Except as otherwise provided in this subsection, a person licensed under this chapter shall not transport the carcass of a deer or elk into this state if the carcass originates from an area outside this state that has a significant prevalence of chronic wasting disease as determined by the state veterinarian. In order to transport the carcass into this state, the person must obtain approval by the state veterinarian in a manner and according to procedures required by the department.

2004 Acts, ch 1162, §4, 6

CHAPTER 351

DOGS AND OTHER ANIMALS

Referred to in §331.381

351.1	through 351.24 Repealed by 94 Acts, ch 1173, §42.	351.35	How and when.
351.25	Dog as property.	351.36	Enforcement.
351.26	Right and duty to kill untagged dog.	351.37	Dogs running at large — impoundment — disposition.
351.27	Right to kill tagged dog.	351.38	Owner's duty.
351.28	Liability for damages.	351.39	Confinement.
351.29	Construction clause.	351.40	Quarantine.
351.30	through 351.32 Repealed by 67 Acts, ch 118, §9.	351.41	Not a limitation on power of municipalities and counties.
351.33	Rabies vaccination.	351.42	Exempt dogs.
351.34	Repealed by 94 Acts, ch 1173, §42.	351.43	Penalty.

351.1 through 351.24 Repealed by 94 Acts, ch 1173, §42.

351.25 Dog as property.

All dogs under six months of age, and all dogs over said age and wearing a collar with a valid rabies vaccination tag attached to the collar, shall be deemed property. Dogs not provided with a rabies vaccination tag shall not be deemed property.

[C24, 27, 31, 35, 39, §5447; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.25]
94 Acts, ch 1173, §32

351.26 Right and duty to kill untagged dog.

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a rabies vaccination tag is required, when the dog is not wearing a collar with rabies vaccination tag attached.

[C24, 27, 31, 35, 39, §5448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.26]
94 Acts, ch 1173, §33

351.27 Right to kill tagged dog.

It shall be lawful for any person to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5449; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.27]
94 Acts, ch 1173, §34; 2007 Acts, ch 111, §1

351.28 Liability for damages.

The owner of a dog shall be liable to an injured party for all damages done by the dog, when the dog is caught in the action of worrying, maiming, or killing a domestic animal, or the dog is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §5450; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.28]
83 Acts, ch 117, §1

351.29 Construction clause.

A holding that one or more sections hereof are unconstitutional shall not be held to invalidate the remaining sections.

[C24, 27, 31, 35, 39, §5451; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.29]

351.30 through 351.32 Repealed by 67 Acts, ch 118, § 9.

351.33 Rabies vaccination.

Every owner of a dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large shall not be subject to these vaccination requirements.

[C66, 71, 73, 75, 77, 79, 81, §351.33]

Referred to in §351.35, 351.36, 351.42, 351.43

351.34 Repealed by 94 Acts, ch 1173, § 42.

351.35 How and when.

The rabies vaccination required by section 351.33 shall be an injection of antirabies vaccine approved by the state department of agriculture and land stewardship, and the frequency of revaccination necessary for approved vaccinations shall be as established by such department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture and land stewardship. The veterinarian shall issue a tag with the certificate of vaccination, and such tag shall at all times be attached to the collar of the dog.

[C66, 71, 73, 75, 77, 79, 81, §351.35]

Referred to in §351.36, 351.42, 351.43

351.36 Enforcement.

Local health and law enforcement officials shall enforce the provisions of sections 351.33 to 351.43 relating to vaccination and impoundment of dogs. Such public officials shall not be responsible for any accident or disease of a dog resulting from the enforcement of the provisions of said sections.

[C66, 71, 73, 75, 77, 79, 81, §351.36]

Referred to in §351.42, 351.43

351.37 Dogs running at large — impoundment — disposition.

A dog shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag or a rabies vaccination certificate is not presented to the local board of health or law enforcement official.

The local board of health or law enforcement official shall provide written notice to the owner if the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days from the date that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of this section, notice is delivered when the local board of health or law enforcement official mails the notice which may be by regular mail. An owner may redeem a dog by having it immediately vaccinated and paying the cost of impoundment.

If the owner of the impounded dog fails to redeem the dog within seven days from the date of the delivery of the notice to the dog's owner as provided in this section, the dog may be disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in section 162.2.

[C66, 71, 73, 75, 77, 79, 81, §351.37]

2002 Acts, ch 1130, §1

Referred to in §351.36, 351.42, 351.43

351.38 Owner's duty.

It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

[C66, 71, 73, 75, 77, 79, 81, §351.38]

Referred to in §351.36, 351.42, 351.43

351.39 Confinement.

If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section shall not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

[C66, 71, 73, 75, 77, 79, 81, §351.39]

2001 Acts, ch 19, §1; 2001 Acts, ch 176, §68

Referred to in §351.36, 351.42, 351.43

351.40 Quarantine.

If a local board of health believes rabies to be epidemic, or believes there is a threat of epidemic, in its jurisdiction, it may declare a quarantine in all or part of the area under its jurisdiction and such declaration shall be reported to the Iowa department of public health. During the period of quarantine, any person owning or having a dog in the person's possession in the quarantined area shall keep such animal securely enclosed or on a leash for the duration of the quarantine period.

[C66, 71, 73, 75, 77, 79, 81, §351.40]

Referred to in §351.36, 351.42, 351.43

351.41 Not a limitation on power of municipalities and counties.

This chapter does not limit the power of any city or county to prohibit dogs and other animals from running at large, whether or not they have been vaccinated for rabies, and does not limit the power of any city or county to provide additional measures for the restriction of dogs and other animals for the control of rabies and for other purposes.

[C66, 71, 73, 75, 77, 79, 81, S81, §351.41; 81 Acts, ch 117, §1065]

Referred to in §351.36, 351.42, 351.43

351.42 Exempt dogs.

Dogs that are under the control of the owner or handlers and which are in transit, or are to be exhibited shall be exempt from the vaccination provisions of these sections if they are within the state for less than thirty days. Dogs assigned to a research institution or a like facility shall be exempt from the provisions of sections 351.33 to 351.43.

[C66, 71, 73, 75, 77, 79, 81, §351.42]

Referred to in §351.36, 351.43

351.43 Penalty.





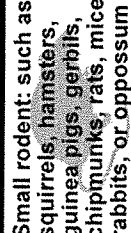
Any person refusing to comply with the provisions of sections 351.33 to 351.42 or violating any of their provisions, shall be deemed guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §351.43]

Referred to in §351.36, 351.42

Recommendations for Managing Human Rabies Exposure*

For Bat Exposures see *Rabies Exposure Management for Bat-related Incidents Flow Chart*, available at www.idph.state.ia.us/adper/common/pdf/cade/rabies_exposure_bats.pdf

Animal Species	Situation	Rabies Post Exposure Prophylaxis (PEP) Recommendations
Dogs, cats, ferrets 	Animal available for testing or 10 day confinement and observation Animal unavailable (waiting up to 72 hours to capture the animal may be reasonable, assuming the correct animal can be identified)	If the animal is exhibiting symptoms consistent with rabies, immediately euthanize and test. If the animal is not exhibiting symptoms, a 10 day confinement period can be instituted. If the animal exhibits signs of rabies during the 10 day confinement period, it should be euthanized immediately and tested. If results are positive, unsuitable or indeterminate administer PEP immediately. If the animal does not exhibit clinical signs during the 10 day confinement period, PEP is not recommended, since the animal was not excreting virus at the time of the bite or saliva exposure. If the animal is not available for confinement or testing, administer PEP. (If the animal is captured later contact IDPH at 800-362-2736.)
Horses or other farm animals 	If the animal exhibits signs of rabies or dies suddenly, test the animal for rabies. All other cases, contact IDPH for guidance.	Defer administration of PEP until outcome of testing. If results are positive, unsuitable or indeterminate, administer PEP. Contact IDPH at 800-362-2736 during business hours or 515-323-4360 after hours.
Skunk, raccoon, fox, coyote 	Euthanize and test animal Animal unavailable for testing	Defer administration of PEP until outcome of testing. If results are positive, unsuitable or indeterminate, administer PEP. Administer PEP immediately.
Large rodents: such as beavers, muskrats, or groundhogs 	Euthanize and test animal Animal unavailable for testing	Defer administration of PEP until outcome of testing. If results are positive, unsuitable or indeterminate administer PEP. Contact IDPH for consultation at 800-362-2736 during business hours or 515-323-4360 after hours.
Small rodent: such as squirrels, hamsters, guinea pigs, gerbils, chipmunks, rats, mice, rabbits, or opossum 	Provoked bite and animal behaving normal Unprovoked bite or animal behaving abnormal	No PEP is recommended, as these species almost never carry rabies. Contact IDPH for consultation at 800-362-2736 during business hours or 515-323-4360 after hours.

* Exposure: a bite or saliva/nervous tissue contact to an open wound or mucous membrane

NOTE: If the patient was **bitten above the shoulders**, IDPH recommends that the health care provider consider starting PEP immediately. PEP can be discontinued if the animal tests negative for rabies or is healthy at the end of the quarantine period.

Thoroughly wash all wounds with soap and water and, if available, flush with povidone iodine solution (or other virucidal solution). Evaluate tetanus vaccination status, update if needed.

(Updated 6/18/2010)

If questions arise on any of the above information or circumstances related to the exposure are unusual, please contact IDPH for consultation at:
 During business hours: **800-362-2736**
 After hours: **515-323-4360**



Iowa Department of Public Health,
 Center for Acute Disease Epidemiology (CADE)



<http://www.idph.state.ia.us/CADE/DiseaseIndex.aspx?disease=Rabies>
<http://www.cdc.gov/rabies>

<http://www.cfsph.iastate.edu>

Rabies exposure management frequently asked questions (FAQs)

What constitutes an exposure?

- A bite from an animal to a human.
- Saliva or neural tissue contact from an animal to a human's open wound or mucous membrane.
- A bat is found in the same room with a sleeping person, an unattended child, an intoxicated person, or anyone unable to confirm that they were NOT bitten.

What is NOT an exposure?

- Other contact, such as contact with the blood, urine, skunk spray, or feces, does not constitute an exposure and is not an indication for prophylaxis.

What are the rules for animal rabies quarantine in my area?

- Cities and counties enforce animal rabies quarantine rules and regulations. Rules and regulations can differ from one area to another. The most accurate information can be obtained from your city animal control department or your local public health agency.

Do all animals that bite humans need to be tested for rabies?

- If the biting animal is a rodent (rat, mouse, squirrel, guinea pig, chipmunk or gerbil), a marsupial (opossum) or a lagomorph (rabbit), we usually do not recommend testing unless the animal is behaving abnormally or the bite was not provoked. If one of these animals exhibited unusual behavior or if the bite was unprovoked, testing the animal would be recommended. Contact CADE, (800) 362-2736, for consultation on the need for testing and post exposure prophylaxis.

How do I get an animal tested for rabies?

Animals can be tested for rabies at one of the following laboratories:

State Hygienic Lab (SHL)

Address
 Coralville Laboratory State Hygienic Laboratory
 U of I Research Park, 2490 Crosspark Road
 Coralville, IA 52241
 800-421-4692 (call first)

Iowa State University Veterinary Diagnostic Laboratory (VDL)

600 S. 16th Street
 Ames, IA 50010
 515-294-1950 (call first)

Web instructions

<http://www.shl.uiowa.edu/kits/quotes/forms/rabiesslp.pdf>

Submissions

Submit the whole (dead) animal if it is bat-sized or mouse-sized.
 Submit the HEAD ONLY if animal is larger than a bat/mouse (Should be removed by veterinarian).
 Live bats are accepted when container labeled "LIVE BAT."

<http://vetmed.iastate.edu/sites/default/files/vdl/forms/RabiesForm.pdf>

Whole (dead) animal submissions are preferred.
 Heads of larger animals are accepted (removed by veterinarian, removal instructions on VDL Web site).

Results

SHL Rabies Test Request Form is required (Available from the SHL Web site).
 Results are reported ONLY to the physician or veterinarian listed on submission form.

Testing is performed 7 days/week. Results (except negatives) phoned to physician/veterinarian.

Packaging

Double bag the specimen to prevent leaking.
 Package the specimen with ice or refrigerant packs.
 DO NOT FREEZE THE SPECIMEN.
 If bat is alive, label the package "LIVE BAT."

Transport

Private carrier (patient, relative, or designee) drives the sample and completed form to SHL.
 Overnight commercial carrier (FedEx preferred) transports properly packaged sample (dead animals only) and completed form.

After hours drop off

University of Iowa Hospitals and Clinics (UHC) Emergency Room will receive after hour samples.
 Remain in ER until specimen is properly received by ER staff.

Charge for testing?

There is no charge for testing if there has been a human exposure (exposure definition above).

If a person previously vaccinated with Human Rabies Vaccine is exposed to a rabid animal, what is required for post exposure prophylaxis?

- Persons with previous rabies vaccination [completed series of the three vaccine pre exposure prophylaxis or the series of four/five vaccines and Human Rabies Immune Globulin post exposure prophylaxis (using Human Diploid Cell Vaccine, Rabies Vaccine Adsorbed, or Purified Chick Embryo Vaccines)], should receive two doses of rabies vaccine on days 0 and 3. The person does not need Human Rabies Immune Globulin.

- Persons previously vaccinated with a rabies vaccination regimen NOT LISTED ABOVE should receive full post exposure prophylaxis unless they have a documented rabies antibody titer (corresponding to complete neutralization dilution of 1:5 or greater by RFFIT testing). Persons with a documented antibody titer should receive two doses of rabies vaccine on days 0 and 3.

What if a patient cannot / does not adhere to the rabies post exposure vaccination schedule?

- The effectiveness of the rabies vaccines may be compromised if the recommended vaccination schedule is not followed. EVERY EFFORT should be made to administer the vaccines in accordance with the recommended schedule. In general, if a rabies vaccine dose has been missed, the schedule should resume with the dose missed (i.e., if day 7 vaccine is missed (3rd dose), administer a vaccine today and call this vaccination the "day 7" (3rd dose) vaccination. The next vaccine (4th dose) would be given in 7 more days on "day 14", in keeping with the remainder of the 0, 3, 7, 14 day schedule. Immune compromised patients will need a 5th dose of vaccine 14 days later on "day 28" and will need to have their titers checked as well. Contact CADE, (800) 362-2736 for additional consultation.

Testing performed M-F (after-hrs testing on approval, only if human exposure). Results phoned to submitter.
 Use a leak-proof container with refrigerant packs.
 Package the specimen with refrigerant packs. DO NOT FREEZE THE SPECIMEN.
 Label the package "RABIES SUSPECT."

Private carrier (patient, relative, or designee) drives the sample and completed form to VDL or an overnight commercial carrier (FedEx, UPS, etc.) transports the sample properly packaged and completed form to VDL.
 Call after hours staff at 515-290-1969 prior to submission for proper drop-off instructions.
 Dead animals are preferred. There is a fee for euthanasia.

Yes. Please note if human exposure has occurred to ensure prompt testing.