SENATE COMMITTEE OF REFERENCE REPORT

February 20, 2020

Chair of Committee

Date

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB20-125 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, add 33-1-126 as follows:

33-1-126. Prohibiting certain animals in a traveling animal act - short title - definitions. (1) The short title of this section is the "Traveling Exotic Animal Safety Protection Act".

(2) For purposes of this section, unless the context otherwise requires:

(a) "Cause a performance" means to allow for the participation of an animal in a performance, to be responsible for a performance, to financially benefit as an owner or operator from a performance, to financially benefit as a person who owns or controls a property used for a performance, or to use any means of communication for the purpose of promoting a performance on behalf of the owner or operator of a performance or the venue for a performance.

(b) "Environmental education program" means an animal exhibition that:

(1) Is designed by a professional to impart knowledge or information for educational or conservation purposes about one or more animals' natural behavior, habitat, life cycle, or similar pedagogical information;
(II) IS CONDUCTED BY AN INDIVIDUAL QUALIFIED TO IMPART SUCH
INFORMATION; AND

(III) DOES NOT INCLUDE ANY PERFORMANCE OF BEHAVIOR BY AN
ANIMAL THAT DOES NOT NATURALLY OCCUR FOR THAT ANIMAL IN THE
WILD STATE, EXCEPT FOR INDUSTRY-STANDARD HUSBANDRY PRACTICES
FOR VETERINARY PURPOSES.

(c) "PERFORMANCE" MEANS ANY ANIMAL ACT, CIRCUS, RIDE,
CARNIVAL, PARADE, RACE, PERFORMANCE, OR SIMILAR UNDERTAKING IN
WHICH ANIMALS ARE:

(I) REQUIRED TO PERFORM TRICKS, GIVE RIDES, OR PARTICIPATE AS
ACCOMPANIMENTS FOR THE ENTERTAINMENT, AMUSEMENT, OR BENEFIT
OF AN AUDIENCE; OR

(II) USED PRIMARILY FOR PHOTOGRAPHIC PURPOSES.

(d) "TRAVELING ANIMAL ACT" MEANS ANY PERFORMANCE OF AN
ANIMAL WHERE THE ANIMAL IS TRANSPORTED TO, FROM, OR BETWEEN
LOCATIONS FOR THE PURPOSE OF THE PERFORMANCE.

(3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A
PERSON SHALL NOT CAUSE A PERFORMANCE OF THE FOLLOWING ANIMALS,
INCLUDING HYBRIDS OF THE FOLLOWING ANIMALS, WHETHER WILD-BORNE
OR CAPTIVE-BRED, IN A TRAVELING ANIMAL ACT:

(a) CETARTIODACTYLA OTHER THAN BISON, CATTLE, DEER, ELK,
GOATS, REINDEER, SWINE, AND SHEEP;

(b) FELIDAE OTHER THAN DOMESTIC CATS;

(c) WILD CANIDAE OTHER THAN DOMESTIC DOGS;

(d) MARSUPIALIA;

(e) NONHUMAN PRIMATES;

(f) PERISSODACTYLA OTHER THAN HORSES, DONKEYS, AND MULES;

(g) PINNIPEDIA;

(h) PROBOSCIDEA;

(i) RATITES;

(j) SPHENISCIDAE; AND

(k) URSIDAE.

(4) THIS SECTION DOES NOT PROHIBIT THE USE OF AN ANIMAL
SPECIFIED IN SUBSECTION (3) OF THIS SECTION:

(a) IN AN EXHIBITION AT A:

(I) WILDLIFE SANCTUARY; OR

(II) NONMOBILE, PERMANENT INSTITUTION, FACILITY, ZOO, OR
AQUARIUM ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS
OR THE GLOBAL FEDERATION OF ANIMAL SANCTUARIES, OR ANY
SUCCESSOR ORGANIZATIONS;

(b) IF THE ANIMAL IS LIVESTOCK, AS DEFINED IN SECTION
35-80-102 (9), OR ALTERNATIVE LIVESTOCK, AS DEFINED IN SECTION 35-41.5-102 (1);

(c) AS PART OF AN ENVIRONMENTAL EDUCATION PROGRAM IF:

(I) THE ANIMAL IS NOT USED MORE THAN SIX MONTHS IN A CALENDAR YEAR; AND

(II) THE ANIMAL IS NOT KEPT IN A VEHICLE FOR MORE THAN TWELVE HOURS A DAY, WHEN THE VEHICLE IS USED TO TRANSPORT OR HOUSE THE ANIMAL WHILE TRAVELING TO, FROM, OR BETWEEN LOCATIONS FOR PERFORMANCE PURPOSES; OR

(d) BY A UNIVERSITY, COLLEGE, LABORATORY, OR OTHER RESEARCH FACILITY PROPERLY LICENSED OR REGISTERED UNDER THE FEDERAL "ANIMAL WELFARE ACT OF 1970", 7 U.S.C. SEC. 2131 ET SEQ., AS AMENDED, FOR THE PURPOSE OF CONDUCTING RESEARCH.

(5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED UPON CONVICTION BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS PER VIOLATION.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect July 1, 2021; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect July 1, 2021.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Page 1, line 101, after "OF" insert "CERTAIN".

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