

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0033.01 Yelana Love x2295

HOUSE BILL 20-1084

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HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

Foote,

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House Committees  
Rural Affairs & Agriculture

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS FOR PERSONS WHO SELL CERTAIN PET  
102 ANIMALS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the "Humane Pet Act", which:

- ! Establishes standards for the care and treatment of dogs and cats by dog breeders and cat breeders;
- ! Prohibits the sale of a dog or cat in a public place by any person; and
- ! Prohibits the sale of dogs and cats by pet stores.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) Dogs and cats are among the most popular pet animals in the  
5 United States;

6 (b) Pet dogs and cats provide more than companionship. They  
7 provide unconditional love; teach empathy, confidence, and  
8 responsibility; promote socialization and exercise; protect their families;  
9 and have an overall positive effect on the physical, psychological, and  
10 emotional health of their human owners and companions.

11 (c) Many Coloradans cherish their dogs and cats and consider  
12 them to be members of their families;

13 (d) There is a nationwide epidemic of the sale and purchase of  
14 dogs and cats that come from high-volume commercial breeding  
15 establishments, commonly referred to as "puppy mills" and "kitten mills";

16 (e) The documented abuses endemic to puppy and kitten mills  
17 include overbreeding; inbreeding; minimal veterinary care; lack of  
18 adequate and uncontaminated food and water; lack of socialization,  
19 exercise, and enrichment; poor sanitation; confinement in cramped,  
20 unsanitary cages; and exposure to extreme temperatures;

21 (f) As a result of overbreeding, a lack of genetic testing, a lack of  
22 proper veterinary care, overcrowding, and other substandard conditions  
23 at breeding facilities, during transport, and in some cases at pet stores,  
24 dogs and cats born in puppy and kitten mills often have health issues that  
25 affect both the animals and the families they end up with, including  
26 parasites; respiratory issues; infectious diseases; and skin, eye, ear,

1 neurological, and skeletal disorders;

2 (g) As a result of being taken from their mothers very early, a lack  
3 of socialization with humans and other dogs or cats, and stressful  
4 transport and handling, dogs and cats born in puppy and kitten mills often  
5 have behavioral and psychological issues including fearful behavior,  
6 aggression, and a wide range of abnormal behaviors including phobias,  
7 spinning, and pacing;

8 (h) According to the federal centers for disease control and  
9 prevention, puppies from commercial breeders and brokers, especially  
10 those puppies sold in pet stores, can pose a health risk to consumers, as  
11 when more than one hundred Americans were sickened with an  
12 antibiotic-resistant campylobacter infection from contact with pet store  
13 puppies;

14 (i) To adequately protect dogs, cats, and consumers from puppy  
15 and kitten mills and their sales outlets, it is necessary and appropriate to  
16 improve the standards of care that dog breeders and cat breeders must  
17 provide to their animals, limit the number of dogs or cats that each  
18 breeder may house, ensure that all breeders selling to consumers meet  
19 these improved standards, prohibit outdoor sales of dogs and cats,  
20 prohibit pet stores from selling dogs and cats, and prohibit animal shelters  
21 and pet animal rescues from buying dogs or cats from breeders;

22 (j) Colorado's "Pet Animal Care and Facilities Act" (PACFA),  
23 article 80 of title 35, Colorado Revised Statutes, and rules promulgated  
24 in accordance with PACFA, allow dog breeders and cat breeders to house  
25 and maintain an unlimited number of animals, house dogs and cats in  
26 enclosures with wire flooring, stack enclosures on top of each other, deny  
27 dogs exercise, breed dogs and cats at any frequency and as many times as

1 they choose, breed unhealthy dogs, and discard unwanted breeding dogs  
2 without any effort to re-home them. Addressing these gaps in current law  
3 will greatly improve the quality of life for breeding dogs and cats and  
4 their offspring and bring Colorado in line with strong commercial  
5 breeding laws in other states.

6 (k) Prohibiting the sale of dogs and cats in flea markets, parking  
7 lots, and other outdoor venues is likely to decrease the demand for  
8 animals bred in puppy and kitten mills; decrease the likelihood that dogs  
9 and cats will be exposed to extreme temperatures, severely confined, and  
10 mishandled by sellers and prospective buyers while offered for sale;  
11 decrease the potential spread of infectious diseases; and decrease the  
12 likelihood that consumers will be unable to track down sellers after  
13 purchases and end up with sick and behaviorally challenged dogs and  
14 cats;

15 (l) Prohibiting the sale of dogs and cats in pet stores is likely to:

16 (I) Decrease the demand for dogs and cats bred in puppy and  
17 kitten mills;

18 (II) Protect dogs and cats from being mistreated and exposed to  
19 illness during transport and while at a pet store; and

20 (III) Protect consumers from being duped into supporting puppy  
21 and kitten mills with misleading sales pitches, spending hundreds or  
22 thousands of dollars on a new pet based on false health and behavior  
23 guarantees, spending large sums of money caring for sick pets from  
24 which they may contract infections, and falling prey to lending schemes;

25 (m) Prohibiting shelters and rescues from buying dogs and cats  
26 from breeders, brokers, and auctions will prevent well-intentioned,  
27 legitimate shelters and rescues from providing financial support to puppy

1 and kitten mills by purchasing dogs and cats from them, thus continuing  
2 the cycle of cruelty, and it will make it more difficult for ill-intentioned,  
3 bad actors to purchase dogs and cats from breeders and resell them under  
4 the guise of a shelter or rescue;

5 (n) This act will not affect a consumer's ability to obtain a dog or  
6 cat of the consumer's choosing from an animal shelter, a pet animal  
7 rescue, a licensed breeder that meets the increased standards of care, or  
8 a small-scale, responsible breeder;

9 (o) This act places reasonable restrictions on persons who breed,  
10 sell, and handle animals. The vast majority of pet stores are already in  
11 compliance with the requirements of this act, as they do not sell dogs or  
12 cats, and pet stores that sell dogs and cats can convert to a new model that  
13 relies on products, services, and hosting adoption events to attract  
14 consumers. Breeders that treat their dogs and cats humanely will already  
15 be in compliance with the requirements of this act, and other breeders will  
16 have ample time to update their facilities to ensure the health of their  
17 animals and provide better care.

18 (p) It is necessary and appropriate to protect the health, safety, and  
19 welfare of consumers, dogs, and cats from the harmful effects of the  
20 practices that occur at commercial breeding establishments by  
21 establishing the "Humane Pet Act".

22 **SECTION 2.** In Colorado Revised Statutes, 35-80-102, **add** (9.3),  
23 (11.3), and (11.7) as follows:

24 **35-80-102. Definitions.** As used in this article 80, unless the  
25 context otherwise requires:

26 (9.3) "OFFER FOR SALE" MEANS TO ADVERTISE THE SALE OF A DOG  
27 OR CAT. "OFFER FOR SALE" INCLUDES THE DISPLAY OF A LIVE DOG OR CAT

1 FOR SALE AND INCLUDES A VERBAL OR WRITTEN OFFER TO SELL A DOG OR  
2 CAT.

3 (11.3) "PET STORE" MEANS A RETAIL ESTABLISHMENT WHERE PET  
4 ANIMALS ARE SOLD OR OFFERED FOR SALE TO THE GENERAL PUBLIC. "PET  
5 STORE" DOES NOT INCLUDE AN ANIMAL SHELTER, PET ANIMAL RESCUE, CAT  
6 BREEDER, OR DOG BREEDER.

7 (11.7) "SALE" MEANS THE EXCHANGE OF A DOG OR CAT FOR  
8 ANYTHING OF VALUE, INCLUDING PROPERTY OR MONEY. "SALE" DOES NOT  
9 INCLUDE AN ADOPTION TRANSACTION BETWEEN AN ANIMAL SHELTER OR  
10 PET ANIMAL RESCUE AND A PERSON WHO ADOPTS A PET ANIMAL.

11 **SECTION 3.** In Colorado Revised Statutes, **add** 35-80-108.5 as  
12 follows:

13 **35-80-108.5. Dog breeders and cat breeders - prohibited sales**  
14 **and purchases of dogs or cats - short title.** (1) THE SHORT TITLE OF  
15 THIS SECTION IS THE "HUMANE PET ACT".

16 (2) A DOG BREEDER OR CAT BREEDER SHALL NOT:

17 (a) KEEP, HOUSE, OR MAINTAIN MORE THAN TWENTY-FIVE DOGS OR  
18 CATS, OR ANY COMBINATION OF MORE THAN TWENTY-FIVE DOGS AND  
19 CATS, THAT ARE MORE THAN SIX MONTHS OF AGE AND HAVE NOT  
20 UNDERGONE STERILIZATION;

21 (b) HOUSE A DOG OR CAT IN AN ENCLOSURE:

22 (I) WITH WIRE OR NONSOLID FLOORING;

23 (II) THAT IS STACKED ON TOP OF ANOTHER ENCLOSURE; OR

24 (III) THAT IS SUSPENDED FROM THE CEILING;

25 (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(c)(II) OF THIS  
26 SECTION, DENY A DOG OR CAT AN OPPORTUNITY TO EXERCISE FOR AT  
27 LEAST THIRTY MINUTES EACH DAY IN A SPACE THAT IS LARGE ENOUGH FOR

1 THE DOG OR CAT TO RUN, PLAY, AND ENGAGE IN MENTALLY STIMULATING  
2 AND SOCIAL BEHAVIORS.

3 (II) THE REQUIREMENTS IN SUBSECTION (2)(c)(I) OF THIS SECTION  
4 DO NOT APPLY TO A DOG OR CAT FOR THE DURATION IN WHICH A LICENSED  
5 VETERINARIAN HAS DECLARED AND DOCUMENTED THAT THE DOG OR CAT  
6 WOULD BE NEGATIVELY AFFECTED BY EXERCISE FOR A SPECIFIC MEDICAL  
7 REASON.

8 (d) BREED A FEMALE DOG OR CAT MORE THAN ONCE PER  
9 CALENDAR YEAR OR MORE THAN SIX TIMES IN THE LIFETIME OF THE DOG  
10 OR CAT;

11 (e) BREED A DOG OR CAT WITHOUT SCREENING FOR INHERITABLE  
12 DISORDERS THAT ARE COMMON OR PREVALENT IN THE BREED, OR BREED  
13 A DOG OR CAT WITHOUT DOCUMENTATION FROM A LICENSED  
14 VETERINARIAN THAT THE DOG OR CAT IS IN SUITABLE HEALTH FOR  
15 BREEDING AND FREE FROM HEALTH CONDITIONS THAT WOULD  
16 SIGNIFICANTLY AFFECT THE DOG OR CAT OR THE DOG'S OR CAT'S  
17 OFFSPRING; OR

18 (f) FAIL TO MAKE REASONABLE, GOOD-FAITH EFFORTS TO PLACE  
19 EACH ADULT DOG AND CAT THAT THE BREEDER NO LONGER WISHES TO  
20 RETAIN WITH AN ADOPTIVE FAMILY, ANIMAL SHELTER, PET ANIMAL  
21 RESCUE, OR OTHER OWNER WHO IS NOT A BREEDER OR INTENDING TO SELL  
22 THE DOG OR CAT AT AN AUCTION, UNLESS A LICENSED VETERINARIAN  
23 DETERMINES AND DOCUMENTS THAT THE DOG OR CAT IS SICK OR INJURED  
24 TO THE EXTENT OF REQUIRING EUTHANASIA. IF EUTHANASIA IS REQUIRED,  
25 THE DOG BREEDER OR CAT BREEDER SHALL ENSURE THAT THE EUTHANASIA  
26 IS PERFORMED BY A LICENSED VETERINARIAN IN A MANNER THAT  
27 COMPORTS WITH SECTION 35-80-102 (7).

1           (3) A DOG BREEDER, CAT BREEDER, OR PERSON WHO RESELLS DOGS  
2 OR CATS FROM A BREEDER SHALL NOT OFFER FOR SALE OR SELL A DOG OR  
3 CAT TO A CONSUMER UNLESS THE DOG OR CAT ORIGINATED FROM A  
4 BREEDER THAT COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (2) OF  
5 THIS SECTION AND ANY CORRESPONDING RULES PROMULGATED BY THE  
6 COMMISSIONER. THE PROHIBITION IN THIS SUBSECTION (3) INCLUDES AN  
7 OFFER FOR SALE OVER THE INTERNET.

8           (4) A PERSON SHALL NOT OFFER FOR SALE OR SELL A DOG OR CAT  
9 ON A ROADSIDE, PUBLIC RIGHT-OF-WAY, PARKWAY, OR MEDIAN; AT A PARK  
10 OR RECREATION AREA; AT A FLEA MARKET OR OTHER OUTDOOR MARKET;  
11 OR AT A COMMERCIAL OR RETAIL PARKING LOT. THIS SUBSECTION (4) DOES  
12 NOT PROHIBIT THE DISPLAY OR ADOPTION OF DOGS OR CATS BY AN ANIMAL  
13 SHELTER OR PET ANIMAL RESCUE.

14           (5) (a) EXCEPT AS DESCRIBED ELSEWHERE IN THIS SUBSECTION (5),  
15 A PET STORE SHALL NOT SELL OR OFFER FOR SALE A DOG OR CAT.

16           (b) SUBSECTION (5)(a) OF THIS SECTION DOES NOT PROHIBIT A PET  
17 STORE FROM HOSTING AN ADOPTION EVENT OR PROVIDING SPACE FOR THE  
18 DISPLAY OF DOGS OR CATS AVAILABLE FOR ADOPTION IF THE PET STORE  
19 DOES NOT:

20           (I) HAVE ANY OWNERSHIP INTEREST IN THE DOG OR CAT  
21 AVAILABLE FOR ADOPTION; OR

22           (II) RECEIVE ANY PAYMENT OR OTHER COMPENSATION FOR  
23 HOSTING AN ADOPTION EVENT OR PROVIDING DISPLAY SPACE FOR THE  
24 PURPOSE OF ADOPTION.

25           (6) AN ANIMAL SHELTER OR PET ANIMAL RESCUE SHALL NOT, IN  
26 EXCHANGE FOR PAYMENT OR OTHER COMPENSATION, OBTAIN A DOG OR  
27 CAT FROM A PERSON WHO IS A DOG BREEDER, IS A CAT BREEDER, RESELLS

1 DOGS OR CATS FROM A BREEDER, OR SELLS DOGS OR CATS AT AUCTION.

2 (7) EACH DOG OR CAT SOLD, OFFERED FOR SALE, OR OBTAINED IN  
3 VIOLATION OF SUBSECTION (3), (4), (5), OR (6) OF THIS SECTION IS A  
4 SEPARATE VIOLATION.

5 (8) A PERSON SHALL NOT AID OR ABET ANOTHER PERSON AS A  
6 DEALER, AGENT, INTERMEDIARY, CONSIGNOR, CONSIGNEE, OR BROKER IN  
7 VIOLATION OF THIS SECTION.

8 **SECTION 4. Act subject to petition - effective date -**  
9 **applicability.** (1) This act takes effect January 1, 2021, except that, if a  
10 referendum petition is filed pursuant to section 1 (3) of article V of the  
11 state constitution against this act or an item, section, or part of this act  
12 within the ninety-day period after final adjournment of the general  
13 assembly, then the act, item, section, or part will not take effect unless  
14 approved by the people at the general election to be held in November  
15 2020 and, in such case, will take effect January 1, 2021, or on the date of  
16 the official declaration of the vote thereon by the governor, whichever is  
17 later.

18 (2) This act applies to conduct occurring on or after the applicable  
19 effective date of this act.