A BILL FOR AN ACT

CONCERNING REQUIREMENTS OF PET STORES THAT SELL CERTAIN PET ANIMALS.

(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 "Pet Store Consumer Protection Act", which prohibits a pet store that was not licensed by the commissioner of agriculture prior to the effective date of the bill from selling or offering to sell dogs or cats on or after the effective date of the bill.

The bill also requires each pet store licensed to sell or offer to sell dogs or cats that continues to sell or offer to sell dogs or cats to:

Senate Committees
Agriculture, Livestock, & Water

House Committees
Duran and Soper, Bernett, Bird, Jackson, Jodeh, Kennedy, Kipp, McCormick, Sirota, Valdez A.
• Include on all advertisements, including website postings, the purchase price of the dog or cat and any applicable federal or state license numbers for the breeder of the dog or cat;
• Post on the enclosure of each dog or cat the purchase price of the dog or cat and certain information on the dog’s or cat's breeder; and
• Make certain written disclosures to a prospective consumer prior to selling a dog or cat.

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

SECTION 1. In Colorado Revised Statutes, 35-80-102, add (9.3), (11.3), and (11.7) as follows:

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

(9.3) (a) "OFFER FOR SALE" MEANS TO ADVERTISE A POTENTIAL SALE BY A PET STORE.

(b) "OFFER FOR SALE" INCLUDES:

(I) THE DISPLAY OF A LIVE DOG OR CAT FOR SALE; AND

(II) A VERBAL OR WRITTEN OFFER TO SELL A DOG OR CAT.

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

(11.7) "SALE" OR "SELL" MEANS THE EXCHANGE OF A PET ANIMAL FOR ANYTHING OF VALUE, INCLUDING PROPERTY OR MONEY. "SALE" OR "SELL" DOES NOT INCLUDE AN ADOPTION TRANSACTION BETWEEN ANIMAL SHELTER OR PET ANIMAL RESCUE AND A PERSON WHO ADOPTS A PET ANIMAL.
SECTION 2. In Colorado Revised Statutes, add 35-80-108.5 as follows:

35-80-108.5. Dog breeders and cat breeders - pet stores - prohibited sales and purchases of dogs or cats - short title. (1) The short title of this section is the "Pet Store Consumer Protection Act".

(2) On and after the effective date of this section, a pet store that:

(a) Existed prior to the effective date of this section, but was not licensed by the commissioner prior to the effective date of this section to sell or offer for sale dogs or cats, shall not sell or offer for sale dogs or cats; or

(b) Did not exist prior to the effective date of this section shall not sell or offer for sale dogs or cats.

(3) (a) A pet store that was licensed by the commissioner prior to the effective date of this section to sell or offer for sale dogs or cats may continue to sell or offer for sale dogs or cats on or after the effective date of this section:

(I) From the same location, whether under the current owner or under changed ownership; or

(II) From a new location that replaces the existing location, whether under the current owner or under changed ownership.

(b) The pet store shall:

(I) Include on all advertisements, including website postings, the purchase price of the dog or cat and any applicable federal or state license numbers for the breeder of the dog or cat.
(II) POST ON THE ENCLOSURE OF EACH DOG OR CAT THE PURCHASE PRICE OF THE DOG OR CAT AND THE FOLLOWING INFORMATION ON THE DOG'S OR CAT'S BREEDER: FULL NAME; KENNEL NAME, IF APPLICABLE; CITY; STATE; AND ANY APPLICABLE STATE OR FEDERAL LICENSE NUMBERS; AND

(III) DISCLOSE TO A PROSPECTIVE CONSUMER IN WRITING, PRIOR TO THE SALE OF A DOG OR CAT, THE FOLLOWING INFORMATION ABOUT THE DOG OR CAT:

(A) THE PURCHASE PRICE OF THE DOG OR CAT;

(B) THE INTEREST RATE OR RANGE ASSOCIATED WITH ANY FINANCING OR CREDIT CARD OFFERED TO THE PROSPECTIVE PURCHASER;

AND

(C) ANY APPLICABLE FEDERAL OR STATE LICENSE NUMBERS AND AN UNREDACTED LIST OF ALL VIOLATIONS OF ANY FEDERAL OR STATE LAW THE DOG OR CAT BREEDER, BROKER, OR TRANSPORTER RECEIVED IN THE PREVIOUS TWO YEARS ON A FEDERAL OR STATE INSPECTION REPORT.

(4) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE NUMBER OF PET STORES AUTHORIZED TO SELL OR OFFER FOR SALE DOGS OR CATS MUST NOT EXCEED THE NUMBER OF PET STORES THAT WERE AUTHORIZED TO SELL OR OFFER FOR SALE DOGS OR CATS ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS SECTION.

(5) NOTHING IN THIS SECTION PRECLUDES A STATUTORY OR HOME RULE TOWN, CITY, COUNTY, OR CITY AND COUNTY FROM ENACTING LAWS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION, INCLUDING A PROHIBITION ON THE SALE OR OFFER FOR SALE OF DOGS AND CATS.
SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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