

## CHAPTER 229

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**AGRICULTURE**

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**SENATE BILL 94-023**

BY SENATORS Lacy, Martinez, Schroeder, and Peterson;  
also REPRESENTATIVES Knox, Agler, George, Acquafresca, Berry, Blue, Clarke, Epps, Hernandez, Lawrence, Lyle, Rupert, Taylor,  
and Williams.

**AN ACT****CONCERNING THE REGULATION OF PET ANIMAL CARE FACILITIES, AND MAKING AN APPROPRIATION  
IN CONNECTION THEREWITH.**

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

**SECTION 1.** 25-4-701, Colorado Revised Statutes, 1989 Repl. Vol., is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**25-4-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "BOARD" MEANS THE STATE BOARD OF HEALTH.
- (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH.
- (3) "PET ANIMAL FACILITY" MEANS ANY PLACE OR PREMISE USED IN WHOLE OR IN PART FOR THE KEEPING OF PET ANIMALS FOR THE PURPOSE OF ADOPTION, BREEDING, BOARDING, GROOMING, HANDLING, SELLING, SHELTERING, TRADING, OR TRANSFERRING SUCH ANIMALS.
- (4) "PSITTACINE BIRDS" INCLUDES ALL BIRDS OF THE ORDER PSITTACIFORMES.

**SECTION 2.** 25-4-702, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-4-702. Board to establish minimum standards - department to administer.**

- (1) ~~It is the duty of the board to establish by rule or regulation minimum standards~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

of physical facility, sanitation, humane care, and method of operation that are, in the opinion of the board, necessary to carry out the provisions of this part 7. Such rules or regulations shall also set forth procedures to be followed by licensees as provided for in this part 7 in case of quarantine, shall provide for the keeping of records concerning transactions involving pet animals, and shall include provisions pertaining to the breeding and sale of psittacine birds that, in the opinion of the board, are necessary to prevent or minimize the danger of transmission of psittacosis to handlers and the general public and to other pet birds. THE BOARD MAY ESTABLISH RULES THAT ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS PART 7. SUCH RULES SHALL SET FORTH PROCEDURES TO BE FOLLOWED BY PET ANIMAL FACILITIES IN THE EVENT OF AN OUTBREAK OF DISEASE OR QUARANTINE. SUCH RULES MAY INCLUDE PROVISIONS PERTAINING TO THE BREEDING AND SALE OF PSITTACINE BIRDS THAT ARE NECESSARY TO PREVENT OR MINIMIZE THE DANGER OF TRANSMISSION OF PSITTACOSIS TO HANDLERS, THE GENERAL PUBLIC, AND OTHER PET BIRDS.

(2) This part 7 shall be administered by the department; except that local health departments and animal control personnel may be authorized by the department to assist it in performing its powers and duties pursuant to this part 7.

(3) ~~The board may appoint an administrative law judge to conduct any hearing required under section 25-4-711 or 25-4-712 in accordance with article 4 of title 24, C.R.S.~~

**SECTION 3.** 25-4-709, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-4-709. Quarantine.** If at any time it appears to the ~~executive director of the~~ department that any pet animal is, or was during its lifetime, infected with a disease dangerous to the public health, ~~he~~ IT may place an embargo on said pet animal and may trace, or cause to be traced, the whereabouts of said animal and determine the identity and whereabouts of any other animals which may have been ~~in contact with,~~ or exposed to such disease. If the ~~executive director of the~~ department determines that the interest of the public health requires, ~~he~~ IT may: Cause any ~~place or premises~~ licensed pursuant to this part 7 PET ANIMAL FACILITY to be quarantined for such time as the department determines to be necessary to protect the public health; prohibit the sale or importation into this state of such pet animals from such places or areas where such danger exists; and require the euthanasia and the proper disposal of ~~said~~ INFECTED animals.

**SECTION 4.** 25-4-710, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-4-710. Right of entry - inspections.** It is lawful for any employee of the department, any employee of any county or district health department ~~or any other official authorized by the department, who may be charged by the executive director of the department with the duty of making inspections of premises licensed pursuant to this part 7,~~ OR ANIMAL CONTROL AGENCY AUTHORIZED BY THE DEPARTMENT, OR ANY AUTHORIZED OFFICIAL OF THE UNITED STATES DEPARTMENT OF AGRICULTURE WHEN CONDUCTING AN OFFICIAL DISEASE INVESTIGATION OF A PET ANIMAL FACILITY to enter any such ~~premises~~ FACILITY and to inspect the same, ~~and to inspect any records required to be kept by this part 7 or by the rules or regulations promulgated~~

~~pursuant thereto~~. ANY ANIMALS, OR ANY HEALTH OR TRANSACTION RECORDS RELATING TO THE INVESTIGATION.

**SECTION 5.** 25-4-712, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-4-712. Unlawful acts.** (1) It is unlawful for any person:

(a) ~~To conduct any pet animal or psittacine bird dealership without having obtained a license therefor from the department and in accordance with the provisions of this part 7;~~ TO MAKE A MATERIAL MISSTATEMENT OR PROVIDE FALSE INFORMATION TO THE DEPARTMENT DURING AN OFFICIAL DISEASE INVESTIGATION;

(b) ~~To make a material misstatement in the application for a license or in the application for renewal thereof or to the department during an official investigation;~~ TO VIOLATE A PROVISION OF THIS PART 7 OR A RULE PROMULGATED PURSUANT TO THIS PART 7;

(c) ~~To violate any provision of this part 7 or any rule or regulation promulgated pursuant thereto;~~ TO AID OR ABET ANOTHER IN A VIOLATION OF THIS PART 7 OR A RULE PROMULGATED PURSUANT TO THIS PART 7;

(d) ~~To aid or abet another in any violation of this part 7 or of any rule or regulation promulgated pursuant thereto;~~ TO REFUSE TO PERMIT ENTRY OR INSPECTION IN ACCORDANCE WITH SECTION 25-4-710.

(e) ~~To allow a license issued pursuant to this part 7 to be used by an unlicensed person;~~

(f) ~~To make any misrepresentation or false promise, through advertisements, employees, agents, or otherwise, in connection with the business operations licensed pursuant to this part 7 or for which an application for a license is pending;~~

(g) ~~To sell any pet animal in, by, or from any pet animal dealership unless such dealership is licensed under this part 7;~~

(h) ~~To refuse to permit entry or inspection in accordance with section 25-4-710;~~

(i) ~~Whether or not licensed pursuant to this part 7, to sell, barter, exchange, or otherwise transfer, possess, import, or cause to be imported into this state any type of turtle with a length in carapace of less than four inches, any skunk, or any species of nonhuman primate; except that such prohibitions, with respect to nonhuman primates, shall not apply to a zoological park or a research institute recognized as such by the department, nor shall they apply to the keeping of a nonhuman primate as a household pet by any person who owned such primate on or before July 1, 1973;~~

(j) ~~Licensed pursuant to this part 7, to sell, offer for sale, barter, exchange, or otherwise transfer any immature domestic fowl in lots of less than twenty-five as pets;~~

(k) ~~Licensed pursuant to this part 7, to sell, offer for sale, barter, exchange, or otherwise transfer raccoons or other animal species of wildlife prohibited as pets by~~

~~the division of wildlife in the department of natural resources.~~

**SECTION 6.** 25-4-713, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-4-713. Penalty for violations - assessments.** (1) Any person who violates any of the provisions of this part 7 is guilty of a CLASS 2 misdemeanor and ~~upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment~~ AS PROVIDED IN SECTION 18-1-106, C.R.S.

(2) Any person who violates any of the provisions of this part 7 may be notified and penalized as follows:

(a) ~~If an authorized inspector determines that a violation of this part 7 or a rule or regulation promulgated pursuant thereto has occurred, he may send written notice of such violation to the alleged violator. Such written notice shall specify the provision alleged to have been violated and the facts alleged to constitute the violation.~~

(b) ~~Within thirty calendar days after such notice has been given, the department shall confer with the alleged violator to determine whether or not a violation occurred. The department shall provide the alleged violator an opportunity, at such conference, to submit data, views, and arguments concerning the alleged violation or the assessment of any penalty.~~

(c) ~~If, after a conference, the department finds that a violation occurred, it shall assess a monetary penalty of not more than one thousand dollars, or issue a formal compliance order, or take both such actions.~~

**SECTION 7.** 25-4-715, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-4-715. Repeal of sections - review of functions.** Sections 25-4-703, 25-4-705, 25-4-706, 25-4-707 (1), 25-4-708, ~~25-4-710, AND 25-4-711 and 25-4-712~~ (1) (a), (1) (b), (1) (c), (1) (f), (1) (g), (1) (h), (1) (j), ~~and (1) (k)~~ are repealed, effective July 1, 1994. Prior to such repeal, the licensing functions of the department as set forth in this part 7 shall be reviewed as provided for in section 24-34-104, C.R.S.

**SECTION 8.** Title 35, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

#### **ARTICLE 80**

#### **Pet Animal Care and Facilities Act**

**35-80-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PET ANIMAL CARE AND FACILITIES ACT".

**35-80-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BIRD HOBBY BREEDER FACILITY" MEANS ANY FACILITY ENGAGED IN THE

OPERATION OF BREEDING AND RAISING BIRDS FOR THE PURPOSE OF PERSONAL ENJOYMENT WHICH DOES NOT TRANSFER MORE THAN THIRTY BIRDS PER YEAR.

(2) "CANINE HOBBY BREEDER FACILITY" MEANS ANY FACILITY WHICH TRANSFERS NO MORE THAN TWENTY-FOUR DOGS PER YEAR OR BREEDS NO MORE THAN TWO LITTERS PER YEAR, WHICHEVER IS GREATER.

(2.5) "COMMERCIAL DOG BREEDER" MEANS A DOG BREEDER THAT TRANSFERS AT LEAST ONE HUNDRED DOGS PER YEAR, EXCLUDING RACING GREYHOUNDS THAT ARE NOT INTENDED TO BE COMPANION PETS.

(3) "COMMISSION" MEANS THE STATE AGRICULTURAL COMMISSION.

(4) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE, OR THE DESIGNEE OF THE COMMISSIONER.

(5) "COMMITTEE" MEANS THE PET ANIMAL ADVISORY COMMITTEE CREATED IN SECTION 35-80-115.

(6) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

(6.5) "DOG BREEDER" MEANS ANY FIRM, PERSON, OR CORPORATION WHICH IS ENGAGED IN THE OPERATION OF BREEDING AND RAISING DOGS FOR THE PURPOSE OF SELLING, TRADING, BARTERING, GIVING AWAY, OR OTHERWISE TRANSFERRING SAME, EXCLUDING RACING GREYHOUNDS THAT ARE NOT INTENDED TO BE COMPANION PETS.

(7) "EUTHANASIA" MEANS TO PRODUCE A HUMANE DEATH BY TECHNIQUES ACCEPTED BY THE AMERICAN VETERINARY MEDICAL ASSOCIATION.

(8) "FELINE HOBBY BREEDER FACILITY" MEANS ANY FACILITY WHICH PRODUCES OR TRANSFERS NO MORE THAN TWENTY-FOUR CATS PER YEAR.

(9) "LIVESTOCK" MEANS CATTLE, HORSES, MULES, BURROS, SHEEP, POULTRY, SWINE, LLAMA, AND GOATS, REGARDLESS OF USE, AND ANY ANIMAL THAT IS USED FOR WORKING PURPOSES ON A FARM OR RANCH, AND ANY OTHER ANIMAL DESIGNATED BY THE COMMISSIONER, WHICH ANIMAL IS RAISED FOR FOOD OR FIBER PRODUCTION.

(10) "PET ANIMAL" MEANS DOGS, CATS, RABBITS, GUINEA PIGS, HAMSTERS, MICE, FERRETS, BIRDS, FISH, REPTILES, AMPHIBIANS, AND INVERTEBRATES, OR ANY OTHER SPECIES OF WILD OR DOMESTIC OR HYBRID ANIMAL SOLD, TRANSFERRED, OR RETAINED FOR THE PURPOSE OF BEING KEPT AS A HOUSEHOLD PET, EXCEPT LIVESTOCK, AS DEFINED IN SUBSECTION (9) OF THIS SECTION. "PET ANIMAL" DOES NOT INCLUDE AN ANIMAL THAT IS USED FOR WORKING PURPOSES ON A FARM OR RANCH.

(11) "PET ANIMAL FACILITY" MEANS ANY PLACE OR PREMISE USED IN WHOLE OR IN PART, WHICH PART IS USED FOR THE KEEPING OF PET ANIMALS FOR THE PURPOSE OF ADOPTION, BREEDING, BOARDING, GROOMING, HANDLING, SELLING, SHELTERING, TRADING OR OTHERWISE TRANSFERRING SUCH ANIMALS. "PET ANIMAL FACILITY" ALSO INCLUDES ANY INDIVIDUAL ANIMALS KEPT BY SUCH A FACILITY AS BREEDING STOCK, SUCH LICENSING OF INDIVIDUAL BREEDING STOCK TO BE INCLUSIVE IN THE PET ANIMAL FACILITY LICENSE. "PET ANIMAL FACILITY" SHALL NOT MEAN A COMMON

CARRIER ENGAGED IN INTRASTATE OR INTERSTATE COMMERCE.

(12) "SMALL ANIMAL HOBBY BREEDER FACILITY" MEANS ANY FACILITY WHICH TRANSFERS NO MORE THAN TWO HUNDRED RODENTS OR LAGOMORPHS IN THE AGGREGATE PER YEAR.

(13) "SMALL DOG BREEDER" MEANS A DOG BREEDER THAT TRANSFERS AT LEAST TWENTY-FIVE BUT NO MORE THAN NINETY-NINE DOGS PER YEAR.

**35-80-103. Scope of article.** (1) ANY PERSON WHO OPERATES A PET ANIMAL FACILITY THAT IS LICENSED AS OF DECEMBER 31, 1993, BY THE UNITED STATES DEPARTMENT OF AGRICULTURE SHALL NOT BE SUBJECT TO THE ROUTINE INSPECTION PROVISIONS OF THIS ARTICLE BUT SHALL BE SUBJECT TO ALL OTHER PROVISIONS, INCLUDING BUT NOT LIMITED TO THOSE CONCERNING LICENSURE AND INVESTIGATION OF REPORTED VIOLATIONS.

(2) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO:

(a) ANY VETERINARY HOSPITAL WHICH BOARDS PET ANIMALS FOR THE PURPOSE OF VETERINARY MEDICAL CARE ONLY AND DOES NOT ACTIVELY SOLICIT BOARDING BUSINESS IN ANY WAY;

(b) ANY RESEARCH FACILITY, CIRCUS, OR PUBLICLY OR PRIVATELY OWNED ZOOLOGICAL PARK OR PETTING ZOO LICENSED OR REGISTERED UNDER THE PROVISIONS OF THE FEDERAL "ANIMAL WELFARE ACT OF 1970", 7 U.S.C. SEC. 2131, ET SEQ., AS AMENDED;

(c) ANY BIRD HOBBY BREEDER FACILITY, CANINE HOBBY BREEDER FACILITY, FELINE HOBBY BREEDER FACILITY, SMALL ANIMAL HOBBY BREEDER FACILITY, OR ANY OTHER HOBBY BREEDER FACILITY AS DEFINED BY THE COMMISSIONER WHICH IS SPECIFIC TO OTHER PET ANIMAL SPECIES;

(d) ANY PET ANIMAL TRAINING FACILITY WHERE THE PET ANIMAL OWNER OR SUCH OWNER'S DESIGNEE, OTHER THAN A TRAINING FACILITY OPERATOR, IS PRESENT DURING THE DURATION OF THE ANIMAL'S STAY;

(e) ANY KENNEL OPERATED FOR THE BREEDING OR SALE OR RACING OF RACING GREYHOUNDS THAT ARE NOT INTENDED TO BE COMPANION PETS;

(f) ANY FACILITY LICENSED PURSUANT TO ARTICLE 60 OF TITLE 12, C.R.S., FOR THE RACING OF GREYHOUNDS;

(g) ANY WILDLIFE REGULATED BY THE DIVISION OF WILDLIFE OR DEPARTMENT OF NATURAL RESOURCES;

(h) LIVESTOCK, AS DEFINED IN SECTION 35-80-102 (9);

(i) (I) ANY PET ANIMAL FACILITY STRUCTURE IN EXISTENCE AND LICENSED BY THE DEPARTMENT OF HEALTH THROUGH 1991 THAT WAS IN COMPLIANCE WITH THAT DEPARTMENT'S REGULATIONS FOR SUCH LICENSES SHALL BE EXEMPT FROM ANY CONFLICTING REQUIREMENTS OF THIS ARTICLE OR RULES AND REGULATIONS OF THE

## COMMISSIONER CONCERNING PHYSICAL PREMISES.

(II) ANY LAWS OR RULES PROMULGATED FOR PET ANIMAL FACILITIES SHALL NOT REQUIRE THE CONSTRUCTION OF ANY NEW BUILDINGS OR MAJOR RECONSTRUCTION OF THE EXISTING PHYSICAL PREMISES OF FACILITIES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (i).

**35-80-104. Pet animal facility license required.** ANY PERSON OPERATING A PET ANIMAL FACILITY SHALL POSSESS A VALID PET ANIMAL FACILITY LICENSE ISSUED BY THE COMMISSIONER IN ACCORDANCE WITH THIS ARTICLE AND ANY RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

**35-80-105. Pet animal facility - licensure requirements - application - fees.**

(1) EACH APPLICANT FOR A PET ANIMAL FACILITY LICENSE SHALL SUBMIT AN APPLICATION PROVIDING ALL REQUIRED INFORMATION IN THE FORM AND MANNER REQUIRED BY THE COMMISSIONER.

(2) EACH LOCATION OF A PET ANIMAL FACILITY SHALL BE SEPARATELY LICENSED.

(3) IF A PET ANIMAL FACILITY OPERATES UNDER MORE THAN ONE BUSINESS NAME FROM A SINGLE LOCATION:

(a) NO ADDITIONAL PET ANIMAL FACILITY LICENSE SHALL BE REQUIRED FOR THE DIFFERENT BUSINESS NAMES;

(b) THE PET ANIMAL FACILITY OPERATOR MUST MAINTAIN SEPARATE RECORDS PURSUANT TO SECTION 35-80-107 FOR EACH SUCH BUSINESS NAME; AND

(c) THE NAME OF EACH BUSINESS PROVIDING SERVICES THAT ARE RELATED TO THOSE OF A PET ANIMAL FACILITY SHALL BE LISTED WITH THE COMMISSIONER IN THE FORM AND MANNER DESIGNATED. THE COMMISSIONER MAY REQUIRE THAT A SEPARATE FEE BE PAID FOR EACH SUCH BUSINESS NAME.

(4) EACH APPLICANT FOR A PET ANIMAL FACILITY LICENSE SHALL PAY AN ANNUAL LICENSE FEE IN THE AMOUNT SPECIFIED BY THE COMMISSIONER, WHICH AMOUNT SHALL NOT EXCEED TWO HUNDRED DOLLARS PER LICENSE.

(5) EACH PET ANIMAL FACILITY LICENSE SHALL EXPIRE ON MARCH 1 OF EACH YEAR.

(6) EACH LICENSEE SHALL REPORT TO THE COMMISSIONER, IN THE FORM AND MANNER THE COMMISSIONER SHALL DESIGNATE, ANY CHANGE TO THE INFORMATION PROVIDED IN THE APPLICATION OR REPORTS PREVIOUSLY SUBMITTED WITHIN FIFTEEN DAYS OF ANY SUCH CHANGE.

(7) LICENSES ISSUED PURSUANT TO THIS ARTICLE SHALL NOT BE TRANSFERABLE.

**35-80-106. Pet animal facility license - renewal.** (1) EACH PET ANIMAL FACILITY SHALL APPLY TO RENEW ITS LICENSE ON OR BEFORE THE FIRST WORKING DAY OF MARCH FOR THE YEAR OF RENEWAL. SAID APPLICATION SHALL BE IN THE

FORM AND MANNER PRESCRIBED BY THE COMMISSIONER AND SHALL BE ACCOMPANIED BY THE REQUIRED RENEWAL FEE.

(2) IF THE APPLICATION FOR RENEWAL IS NOT POSTMARKED ON OR BEFORE THE FIRST WORKING DAY OF MARCH FOR THE YEAR OF RENEWAL, A PENALTY FEE OF TEN PERCENT OF THE RENEWAL FEE SHALL BE ASSESSED. NO LICENSE SHALL BE RENEWED UNTIL THE RENEWAL FEE AND ANY PENALTY FEE ARE PAID.

(3) IF THE APPLICATION AND FEE FOR RENEWAL ARE NOT POSTMARKED ON OR BEFORE APRIL 1, THE LICENSE SHALL NOT BE RENEWED AND THE PET ANIMAL FACILITY SHALL APPLY FOR A NEW LICENSE.

**35-80-107. Record-keeping requirements.** EACH PET ANIMAL FACILITY SHALL KEEP AND MAINTAIN RECORDS IN THE FORM AND MANNER DESIGNATED BY THE COMMISSIONER. SUCH RECORDS SHALL BE RETAINED FOR A PERIOD OF TWO YEARS AND SHALL BE KEPT AT THE ADDRESS SPECIFIED IN THE LICENSE APPLICATION FOR THE PET ANIMAL FACILITY.

**35-80-108. Unlawful acts.** (1) UNLESS OTHERWISE AUTHORIZED BY LAW, IT IS UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR ANY PERSON OR ENTITY:

(a) TO PERFORM ANY OF THE ACTS OF A PET ANIMAL FACILITY FOR WHICH LICENSURE IS REQUIRED WITHOUT POSSESSING A VALID LICENSE UNDER THIS ARTICLE;

(b) TO SOLICIT, ADVERTISE, OR OFFER TO PERFORM ANY OF THE ACTS FOR WHICH LICENSURE AS A PET ANIMAL FACILITY IS REQUIRED WITHOUT POSSESSING A VALID LICENSE TO PERFORM SUCH ACTS;

(c) TO REFUSE TO COMPLY WITH A CEASE AND DESIST ORDER ISSUED PURSUANT TO SECTION 35-80-111;

(d) TO REFUSE OR FAIL TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE;

(e) TO MAKE A MATERIAL MISSTATEMENT IN A LICENSE APPLICATION, A LICENSE RENEWAL APPLICATION, OR TO THE DEPARTMENT DURING AN OFFICIAL INVESTIGATION;

(f) TO IMPERSONATE ANY STATE, COUNTY, CITY AND COUNTY, OR MUNICIPAL OFFICIAL OR INSPECTOR;

(g) TO REFUSE OR FAIL TO COMPLY WITH ANY RULES OR REGULATIONS ADOPTED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE OR ANY LAWFUL ORDER ISSUED BY THE COMMISSIONER;

(h) TO AID OR ABET ANOTHER IN ANY VIOLATION OF THIS ARTICLE OR ANY RULE PROMULGATED BY THE COMMISSIONER UNDER THE PROVISIONS OF THIS ARTICLE;

(i) TO IMPORT OR HAVE IN SUCH PERSON'S POSSESSION FOR THE PURPOSE OF SELLING, TRADING, GIVING, OR OTHERWISE TRANSFERRING CERTAIN SPECIES OF BIRDS DESIGNATED BY THE COMMISSIONER OVER THE AGE OF TEN DAYS UNLESS SUCH BIRD



IS LEGALLY BANDED WITH A TYPE OF LEG BAND AUTHORIZED BY THE COMMISSIONER. THIS PARAGRAPH (i) SHALL NOT APPLY TO ANY OPERATING ZOOLOGICAL PARK OR TO A RESEARCH INSTITUTION USING BIRDS FOR SCIENTIFIC RESEARCH RECOGNIZED AS SUCH BY THE COMMISSIONER; EXCEPT THAT CERTAIN SPECIES OF BIRDS SOLD OR TRANSFERRED BY THESE INSTITUTIONS TO THE PUBLIC MUST BE LEGALLY BANDED.

(j) TO SELL, BARTER, EXCHANGE, OR OTHERWISE TRANSFER, POSSESS, IMPORT, OR CAUSE TO BE IMPORTED INTO THIS STATE:

(I) ANY TYPE OF TURTLE WITH A LENGTH IN CARAPACE OF LESS THAN FOUR INCHES;  
OR

(II) (A) ANY SPECIES OF NONHUMAN PRIMATE.

(B) SUCH PROHIBITIONS, WITH RESPECT TO NONHUMAN PRIMATES, SHALL NOT APPLY TO A ZOOLOGICAL PARK OR A RESEARCH INSTITUTE LICENSED OR REGISTERED UNDER THE PROVISIONS OF THE FEDERAL "ANIMAL WELFARE ACT OF 1970", 7 U.S.C. SEC. 2131, ET SEQ., AS AMENDED, NOR SHALL THEY APPLY TO THE KEEPING OF A NONHUMAN PRIMATE AS A HOUSEHOLD PET BY ANY PERSON WHO OWNED SUCH PRIMATE ON OR BEFORE JULY 1, 1973, OR TO THE KEEPING BY A DISABLED PERSON OF A NONHUMAN PRIMATE SPECIALLY TRAINED TO ASSIST SUCH PERSON.

(k) TO SELL, TRANSFER, OR ADOPT DOGS OR CATS UNDER THE AGE OF EIGHT WEEKS;  
AND

(l) TO SELL, TRANSFER, OR ADOPT GUINEA PIGS, HAMSTERS, OR RABBITS UNDER THE AGE OF FOUR WEEKS, AND SUCH OTHER PET ANIMAL SPECIES AS MAY BE SPECIFIED BY THE COMMISSIONER.

(1.5) PARAGRAPHS (i), (j), (k), AND (l) OF SUBSECTION (1) OF THIS SECTION SHALL APPLY TO ALL PERSONS AND ENTITIES, INCLUDING THOSE SPECIFICALLY EXEMPTED UNDER SECTION 35-80-103 (1), (2) (a), (2) (c), (2) (d), AND (2) (e).

(2) IT IS UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR ANY PERSON OPERATING A PET ANIMAL FACILITY:

(a) TO REFUSE TO PERMIT ENTRY OR INSPECTION IN ACCORDANCE WITH SECTION 35-80-110;

(b) TO SELL, OFFER FOR SALE, BARTER, EXCHANGE, OR OTHERWISE TRANSFER IMMATURE DOMESTIC FOWL IN LOTS OF LESS THAN TWENTY-FIVE AS PETS;

(c) TO SELL, OFFER FOR SALE, BARTER, EXCHANGE, OR OTHERWISE TRANSFER RACCOONS OR OTHER ANIMAL SPECIES OF WILDLIFE THAT ARE PROHIBITED TO BE KEPT AS PETS BY THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES;

(d) TO IMPORT OR CAUSE TO BE IMPORTED ANY PET ANIMAL FOR THE PURPOSE OF SALE, RESALE, TRADE, OR BARTER BY A PET ANIMAL FACILITY OPERATOR UNLESS SUCH OPERATOR IS THE HOLDER OF A VALID PET ANIMAL FACILITY LICENSE ISSUED PURSUANT TO THIS ARTICLE;

(e) TO ALLOW A LICENSE ISSUED PURSUANT TO THIS ARTICLE TO BE USED BY AN UNLICENSED PERSON;

(f) TO MAKE ANY MISREPRESENTATION OR FALSE PROMISE THROUGH ADVERTISEMENTS, EMPLOYEES, AGENTS, OR OTHERWISE IN CONNECTION WITH THE BUSINESS OPERATIONS LICENSED PURSUANT TO THIS ARTICLE OR FOR WHICH AN APPLICATION FOR A LICENSE IS PENDING; AND

(g) TO FAIL TO TAKE REASONABLE CARE TO RELEASE FOR SALE, TRADE, OR ADOPTION ONLY THOSE PET ANIMALS THAT ARE FREE OF UNDISCLOSED DISEASE, INJURY, OR ABNORMALITY.

(3) IT IS UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR ANY EMPLOYEE OR OFFICIAL OF THE DEPARTMENT OR ANY PERSON DESIGNATED BY THE COMMISSIONER PURSUANT TO SECTION 35-80-109 (6) TO DISCLOSE OR USE FOR HIS OR HER OWN ADVANTAGE ANY INFORMATION DERIVED FROM ANY REPORTS OR RECORDS SUBMITTED TO THE DEPARTMENT PURSUANT TO SECTION 35-80-110 OR TO REVEAL SUCH INFORMATION TO ANYONE EXCEPT AUTHORIZED PERSONS, INCLUDING OFFICIALS OR EMPLOYEES OF THE STATE, THE FEDERAL GOVERNMENT, AND THE COURTS OF THIS OR OTHER STATES.

(4) THE FAILURE BY ANY PERSON TO COMPLY WITH THE PROVISIONS OF PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION OR PARAGRAPH (f) OF SUBSECTION (2) OF THIS SECTION IS A DECEPTIVE TRADE PRACTICE AND IS SUBJECT TO THE PROVISIONS OF THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, C.R.S.

**35-80-109. Powers and duties of the commissioner.** (1) THE COMMISSIONER IS AUTHORIZED TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ARTICLE AND ANY RULES AND REGULATIONS ADOPTED PURSUANT THERETO.

(2) THE COMMISSIONER IS AUTHORIZED TO ADOPT ALL REASONABLE RULES AND REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE, INCLUDING, BUT NOT LIMITED TO:

(a) MINIMUM STANDARDS OF PHYSICAL FACILITY, SANITATION, VENTILATION, HEATING, COOLING, HUMIDITY, SPATIAL AND ENCLOSURE REQUIREMENTS, NUTRITION, HUMANE CARE, MEDICAL TREATMENT, AND METHOD OF OPERATION, INCLUDING THE MINIMUM HOLDING PERIOD FOR AND DISPOSITION OF STRAY OR ABANDONED PET ANIMALS THAT ARE, IN THE OPINION OF THE COMMISSIONER, NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE;

(b) MAINTENANCE OF RECORDS CONCERNING HEALTH CARE, EUTHANASIA, AND TRANSACTIONS INVOLVING PET ANIMALS;

(c) THE ESTABLISHMENT OF QUALIFICATIONS FOR ANY APPLICANT AND STANDARDS OF PRACTICE FOR ANY OF THE LICENSES AUTHORIZED UNDER THIS ARTICLE, INCLUDING THE ESTABLISHMENT OF CLASSIFICATIONS AND SUBCLASSIFICATIONS FOR ANY LICENSE AUTHORIZED UNDER THIS ARTICLE;

(d) THE ISSUANCE AND REINSTATEMENT OF ANY LICENSE AUTHORIZED UNDER THIS ARTICLE AND THE GROUNDS FOR ANY DISCIPLINARY ACTIONS AUTHORIZED UNDER THIS

ARTICLE, INCLUDING LETTERS OF ADMONITION OR THE DENIAL, RESTRICTION, SUSPENSION, OR REVOCATION OF ANY LICENSE AUTHORIZED UNDER THIS ARTICLE; AND

(e) THE AMOUNT OF ANY LICENSE FEE FOR A PET ANIMAL FACILITY LICENSE. SUCH LICENSE FEE MAY BE DIFFERENT FOR DIFFERENT CLASSIFICATIONS AND SUBCLASSIFICATIONS OF ANY LICENSE AUTHORIZED UNDER THIS ARTICLE.

(3) THE COMMISSIONER IS AUTHORIZED TO CONDUCT HEARINGS REQUIRED UNDER SECTIONS 35-80-112 AND 35-80-113 PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., AND TO USE ADMINISTRATIVE LAW JUDGES TO CONDUCT SUCH HEARINGS WHEN THEIR USE WOULD RESULT IN A NET SAVING OF COSTS TO THE DEPARTMENT.

(4) THE COMMISSIONER IS AUTHORIZED TO DETERMINE THE AMOUNT OF ANY LICENSING FEE AUTHORIZED UNDER THIS ARTICLE BASED ON THE ACTUAL COST OF ADMINISTERING AND ENFORCING THE ARTICLE AND ANY RULES AND REGULATIONS ADOPTED PURSUANT THERETO.

(5) THE COMMISSIONER IS AUTHORIZED TO ENTER INTO COOPERATIVE AGREEMENTS WITH ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE OR WITH ANY AGENCY OF THE UNITED STATES GOVERNMENT FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS ARTICLE, RECEIVING GRANTS-IN-AID, AND SECURING UNIFORMITY OF RULES.

(6) THE POWERS AND DUTIES VESTED IN THE COMMISSIONER BY THIS ARTICLE MAY BE DELEGATED TO QUALIFIED EMPLOYEES OF THE DEPARTMENT.

(7) THE COMMISSIONER SHALL APPOINT AN ADVISORY COMMITTEE PURSUANT TO SECTION 35-80-115.

**35-80-110. Inspections - investigations - access - subpoena.** (1) THE COMMISSIONER, UPON HIS OR HER OWN MOTION OR UPON THE COMPLAINT OF ANY PERSON, MAY MAKE ANY INVESTIGATIONS NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE.

(2) COMPLAINTS OF RECORD MADE TO THE COMMISSIONER AND THE RESULTS OF HIS OR HER INVESTIGATIONS MAY, IN THE DISCRETION OF THE COMMISSIONER, BE CLOSED TO PUBLIC INSPECTION, EXCEPT TO THE PERSON IN INTEREST, AS DEFINED IN SECTION 24-72-202 (4), C.R.S., OR AS PROVIDED BY COURT ORDER, DURING THE INVESTIGATORY PERIOD AND UNTIL DISMISSED OR UNTIL NOTICE OF HEARING AND CHARGES ARE SERVED ON A LICENSEE.

(3) AT ANY REASONABLE TIME DURING REGULAR BUSINESS HOURS, THE COMMISSIONER SHALL HAVE FREE AND UNIMPEDED ACCESS UPON CONSENT OR UPON OBTAINING AN ADMINISTRATIVE SEARCH WARRANT:

(a) TO THOSE PORTIONS OF ALL BUILDINGS, YARDS, PENS, AND OTHER AREAS IN WHICH ANY ANIMALS ARE KEPT, HANDLED, OR TRANSPORTED FOR THE PURPOSE OF CARRYING OUT ANY PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE; AND

(b) TO ALL RECORDS REQUIRED TO BE KEPT AND MAY MAKE COPIES OF SUCH

RECORDS FOR THE PURPOSE OF CARRYING OUT ANY PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE.

(4) THE COMMISSIONER SHALL HAVE FULL AUTHORITY TO ADMINISTER OATHS AND TAKE STATEMENTS, ISSUE SUBPOENAS REQUIRING THE ATTENDANCE OF WITNESSES BEFORE HIM OR HER, AND REQUIRE THE PRODUCTION OF ALL BOOKS, MEMORANDA, PAPERS AND OTHER DOCUMENTS, ARTICLES, OR INSTRUMENTS, AND TO COMPEL THE DISCLOSURE BY SUCH WITNESSES OF ALL FACTS KNOWN TO THEM RELATIVE TO THE MATTERS UNDER INVESTIGATION. UPON THE FAILURE OR REFUSAL OF ANY WITNESS TO OBEY ANY SUBPOENA, THE COMMISSIONER MAY PETITION THE DISTRICT COURT, AND, UPON A PROPER SHOWING, THE COURT MAY ENTER AN ORDER COMPELLING THE WITNESS TO APPEAR AND TESTIFY OR PRODUCE DOCUMENTARY EVIDENCE. FAILURE TO OBEY SUCH AN ORDER OF THE COURT SHALL BE PUNISHABLE AS A CONTEMPT OF COURT.

**35-80-111. Enforcement.** (1) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL ENFORCE THE PROVISIONS OF THIS ARTICLE.

(2) (a) WHENEVER THE COMMISSIONER HAS REASONABLE CAUSE TO BELIEVE A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE HAS OCCURRED AND IMMEDIATE ENFORCEMENT IS DEEMED NECESSARY, HE OR SHE MAY ISSUE A CEASE AND DESIST ORDER, WHICH MAY REQUIRE ANY PERSON TO CEASE VIOLATING ANY PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE. SUCH CEASE AND DESIST ORDER SHALL SET FORTH THE PROVISIONS ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL ACTIONS CEASE FORTHWITH. AT ANY TIME AFTER SERVICE OF THE ORDER TO CEASE AND DESIST, THE PERSON MAY REQUEST, AT SUCH PERSON'S DISCRETION, A PROMPT HEARING TO DETERMINE WHETHER OR NOT SUCH VIOLATION HAS OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL BE DETERMINED PROMPTLY.

(b) IN THE EVENT THAT ANY PERSON FAILS TO COMPLY WITH A CEASE AND DESIST ORDER WITHIN TWENTY-FOUR HOURS, THE COMMISSIONER MAY BRING A SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THIS ARTICLE.

(c) NO STAY OF A CEASE AND DESIST ORDER SHALL BE ISSUED BEFORE A HEARING THEREON INVOLVING BOTH PARTIES.

(3) WHENEVER THE COMMISSIONER POSSESSES SUFFICIENT EVIDENCE SATISFACTORILY INDICATING THAT ANY PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED UNDER THIS ARTICLE, THE COMMISSIONER MAY APPLY TO ANY COURT OF COMPETENT JURISDICTION TO TEMPORARILY OR PERMANENTLY RESTRAIN OR ENJOIN THE ACT OR PRACTICE IN QUESTION AND TO ENFORCE COMPLIANCE WITH THIS ARTICLE OR ANY RULE OR ORDER ISSUED UNDER THIS ARTICLE. IN ANY SUCH ACTION, THE COMMISSIONER SHALL NOT BE REQUIRED TO PLEAD OR PROVE IRREPARABLE INJURY OR THE INADEQUACY OF THE REMEDY AT LAW. UNDER NO CIRCUMSTANCES SHALL THE COURT REQUIRE THE COMMISSIONER TO POST A BOND.

**35-80-112. Disciplinary actions - denial of license.** (1) THE COMMISSIONER, PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., MAY ISSUE LETTERS OF ADMONITION OR DENY, SUSPEND, REFUSE TO RENEW, RESTRICT, OR REVOKE ANY LICENSE AUTHORIZED UNDER THIS ARTICLE IF THE APPLICANT OR LICENSEE:

(a) HAS REFUSED OR FAILED TO COMPLY WITH ANY PROVISION OF THIS ARTICLE, ANY RULE ADOPTED UNDER THIS ARTICLE, OR ANY LAWFUL ORDER OF THE COMMISSIONER;

(b) HAS BEEN CONVICTED OF CRUELTY TO ANIMALS AS DEFINED IN ARTICLE 9 OF TITLE 18, C.R.S., OR ANY SIMILAR STATUTE OF ANY OTHER STATE;

(c) HAS HAD AN EQUIVALENT LICENSE DENIED, REVOKED, OR SUSPENDED BY ANY AUTHORITY;

(d) HAS REFUSED TO PROVIDE THE COMMISSIONER WITH REASONABLE, COMPLETE, AND ACCURATE INFORMATION REGARDING THE CARE OF ANIMALS WHEN REQUESTED BY THE COMMISSIONER; OR

(e) HAS FALSIFIED ANY INFORMATION REQUESTED BY THE COMMISSIONER.

(2) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE COMMISSIONER MAY ACCEPT AS PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE FROM ANOTHER JURISDICTION IF THE VIOLATION WHICH PROMPTED THE DISCIPLINARY ACTION IN THAT JURISDICTION WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION.

(3) NO LICENSEE WHOSE LICENSE HAS BEEN REVOKED MAY APPLY OR REAPPLY FOR A LICENSE UNDER THIS ARTICLE UNTIL TWO YEARS FROM THE DATE OF SUCH REVOCATION.

**35-80-113. Civil penalties.** (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE IS SUBJECT TO A CIVIL PENALTY, AS DETERMINED BY THE COMMISSIONER. THE MAXIMUM PENALTY SHALL NOT EXCEED ONE THOUSAND DOLLARS PER VIOLATION.

(2) NO CIVIL PENALTY MAY BE IMPOSED UNLESS THE PERSON CHARGED IS GIVEN NOTICE AND OPPORTUNITY FOR A HEARING PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

(3) IF THE COMMISSIONER IS UNABLE TO COLLECT SUCH CIVIL PENALTY OR IF ANY PERSON FAILS TO PAY ALL OR A SET PORTION OF THE CIVIL PENALTY AS DETERMINED BY THE COMMISSIONER, THE COMMISSIONER MAY BRING SUIT TO RECOVER SUCH AMOUNT PLUS COSTS AND ATTORNEY FEES BY ACTION IN ANY COURT OF COMPETENT JURISDICTION.

(4) BEFORE IMPOSING ANY CIVIL PENALTY THE COMMISSIONER MAY CONSIDER THE EFFECT OF SUCH PENALTY ON THE ABILITY OF THE PERSON CHARGED TO STAY IN BUSINESS.

**35-80-114. Criminal penalties.** ANY PERSON WHO VIOLATES THE PROVISIONS OF

SECTION 35-80-108 (1) (a), (1) (b), (1) (c), OR (1) (f) COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106, C.R.S.

**35-80-115. Advisory committee - sunset review.** (1) THERE IS HEREBY ESTABLISHED A PET ANIMAL ADVISORY COMMITTEE TO ADVISE THE COMMISSIONER IN ESTABLISHING REGULATIONS UNDER THIS ARTICLE AND TO PROVIDE ONGOING REVIEW OF THIS ARTICLE. THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE NO COMPENSATION OR REIMBURSEMENT FROM THE STATE OF COLORADO OR THE DEPARTMENT FOR EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. THE ADVISORY COMMITTEE SHALL CONSIST OF SIXTEEN PERSONS APPOINTED BY THE COMMISSIONER AS FOLLOWS:

- (a) ONE PERSON WHO REPRESENTS ANIMAL RESCUE;
- (b) ONE PERSON WHO REPRESENTS BIRD BREEDERS;
- (c) ONE PERSON WHO REPRESENTS SMALL DOG BREEDERS;
- (d) ONE PERSON WHO REPRESENTS CAT BREEDERS;
- (e) ONE PERSON WHO REPRESENTS SMALL ANIMAL BREEDERS;
- (f) ONE PERSON WHO REPRESENTS BOARDING KENNELS;
- (g) ONE PERSON WHO REPRESENTS PET GROOMERS;
- (h) ONE PERSON WHO REPRESENTS PET ANIMAL RETAILERS;
- (i) ONE PERSON WHO REPRESENTS PET ANIMAL WHOLESALERS;
- (j) ONE PERSON WHO REPRESENTS ANIMAL CONTROL OFFICERS;
- (k) ONE PERSON WHO REPRESENTS ANIMAL SHELTERS;
- (l) ONE VETERINARIAN LICENSED PURSUANT TO ARTICLE 64 OF TITLE 12, C.R.S.;
- (m) THREE MEMBERS OF THE GENERAL PUBLIC, NONE OF WHOM SHALL REPRESENT OR HAVE A FINANCIAL INTEREST IN ANY OF THE GROUPS LISTED IN THIS SUBSECTION (1); AND
- (n) ONE PERSON WHO REPRESENTS COMMERCIAL DOG BREEDERS.

(2) ALL MEMBERS OF THE ADVISORY COMMITTEE SHALL BE RESIDENTS OF THIS STATE.

(3) IN THE EVENT OF A VACANCY ON THE ADVISORY COMMITTEE PRIOR TO THE COMPLETION OF THE MEMBER'S FULL TERM, THE COMMISSIONER SHALL APPOINT A PERSON TO COMPLETE THE REMAINDER OF THE TERM. SUCH PERSON SHALL REPRESENT THE SAME GROUP AS THE MEMBER HE OR SHE IS REPLACING, PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(4) THE INITIAL APPOINTMENTS OF THE ANIMAL RESCUE REPRESENTATIVE, THE SMALL ANIMAL BREEDER, THE PET ANIMAL WHOLESALER, ONE MEMBER FROM THE GENERAL PUBLIC, AND THE COMMERCIAL DOG BREEDER SHALL EXPIRE ON JANUARY 1, 1995. THE INITIAL APPOINTMENTS OF THE BIRD BREEDER, THE REPRESENTATIVE OF BOARDING KENNELS, THE REPRESENTATIVE OF ANIMAL CONTROL OFFICERS, THE SMALL DOG BREEDER, AND ONE MEMBER FROM THE GENERAL PUBLIC SHALL EXPIRE ON JANUARY 1, 1996. THE INITIAL APPOINTMENT OF ALL OTHER MEMBERS SHALL BE FOR A TERM OF THREE YEARS. THEREAFTER, MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE FOR TERMS OF THREE YEARS.

(5) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2000.

(b) PRIOR TO SAID REPEAL, THE ADVISORY COMMITTEE APPOINTED PURSUANT TO THIS SECTION SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

**35-80-116. Pet animal facility fund - fees.** ALL FEES AND CIVIL FINES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE PET ANIMAL CARE AND FACILITY FUND, WHICH FUND IS HEREBY CREATED. ALL MONEYS CREDITED TO THE FUND SHALL BE A PART OF THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR TO ANY OTHER FUND EXCEPT AS DIRECTED BY THE GENERAL ASSEMBLY ACTING BY BILL. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION TO THE CONTRARY, ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THIS FUND SHALL BE CREDITED TO THE GENERAL FUND, IN ACCORDANCE WITH SECTION 24-36-114, C.R.S. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS FROM THE FUND TO THE DEPARTMENT OF AGRICULTURE FOR DIRECT AND INDIRECT EXPENSES INCURRED IN CARRYING OUT THE PURPOSES OF THIS SECTION.

**35-80-117. Repeal of article - sunset review.** (1) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2000.

(2) PRIOR TO SUCH REPEAL, THE LICENSING FUNCTIONS OF THE COMMISSIONER SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

**SECTION 9.** 2-3-1203 (3), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**2-3-1203. Sunset review of advisory committees.** (3) (m) JULY 1, 2000: THE PET ANIMAL ADVISORY COMMITTEE, APPOINTED PURSUANT TO SECTION 35-80-115, C.R.S.

**SECTION 10.** 6-1-105 (1), Colorado Revised Statutes, 1992 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**6-1-105. Deceptive trade practices.** (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(oo) FAILS TO COMPLY WITH THE PROVISIONS OF SECTION 35-80-108 (1) (a), (1) (b), OR (2) (f), C.R.S.

**SECTION 11.** 18-1-901 (3) (I) (IV), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**18-1-901. Definitions.** (3) (I) (IV) "Peace officer, level III," means a chief security officer for the general assembly pursuant to section 2-2-402, C.R.S., a coroner, the commissioner of agriculture or his designee acting under the "Farm Products Act" or the "Commodity Warehouse Act" pursuant to sections 12-16-114 and 12-16-210, C.R.S., or under the "Animal Protection Act" pursuant to section 35-42-107 (4), C.R.S., OR UNDER THE "PET ANIMAL CARE AND FACILITIES ACT" PURSUANT TO SECTION 35-80-109 (6), C.R.S., a probation officer, a juvenile probation officer pursuant to section 19-2-1002, C.R.S., a brand inspector pursuant to section 35-53-128, C.R.S., an employee of a district attorney's office assigned to administer an offender diversion program, a student loan investigator, an officer or member of the Colorado national guard while acting under call of the governor in cases of emergency or civil disorder, a member of the public utilities commission, an investigator for the division of racing events pursuant to section 12-60-203, C.R.S., port of entry personnel acting as peace officers pursuant to section 42-8-104, C.R.S., toll road owners acting as peace officers under section 43-3-304, C.R.S., or any other person designated as a peace officer unless otherwise specified in this section as a level I, level Ia, level II, or level IIIa peace officer. "Peace officer, level III," has the authority to enforce all the laws of the state of Colorado while acting within the scope of his authority and in the performance of his duties.

**SECTION 12.** 24-34-104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (29.5) THE FOLLOWING FUNCTION OF THE COMMISSIONER OF AGRICULTURE SHALL TERMINATE ON JULY 1, 2000: THE LICENSING OF PET ANIMAL CARE FACILITIES PURSUANT TO ARTICLE 80 OF TITLE 35, C.R.S.

**SECTION 13.** 24-34-104 (23.1) (d) and (23.1) (e), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (23.1) The following boards and the functions of the specified agencies shall terminate on July 1, 1994:

(d) ~~The licensing of pet animal or psittacine bird dealerships through the department of health in accordance with part 7 of article 4 of title 25, C.R.S.;~~

(e) ~~The licensing of kennels through the department of health in accordance with part 11 of article 4 of title 25, C.R.S.;~~

**SECTION 14.** 35-42-107 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**35-42-107. Bureau personnel - appointment.** (4) Agents of the bureau who have completed training as specified by the commissioner are vested with the power to issue summons and complaints to enforce the provisions of part 2 of article 9 of



title 18, C.R.S., AND ARTICLE 80 OF THIS TITLE, as granted peace officers under section 16-2-104, C.R.S., and shall be designated as peace officers, level III, as defined in section 18-1-901 (3) (l) (IV), C.R.S.

**SECTION 15.** 35-42-114, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**35-42-114. Local regulation.** The provisions of this article shall not be construed to limit or preempt additional regulation by any city, town, or city and county. Nothing in this article shall interfere with the authority of the department of health in the enforcement of ~~parts 7 and 11~~ PART 7 of article 4 of title 25, C.R.S., OR THE DEPARTMENT OF AGRICULTURE IN THE ENFORCEMENT OF ARTICLE 80 OF THIS TITLE.

**SECTION 16.** 35-42.5-101 (1) (a) (I), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**35-42.5-101. Duties and restrictions relating to shelters and pounds.** (1) (a) (I) As used in this section, unless the context otherwise requires, an animal "shelter or pound" means a nonprofit private or publicly owned facility where stray, abandoned, lost, or unwanted pet animals are held and which facility contains four or more pet animals at any given time. "Pound or shelter" does not mean a breeding facility maintained for the express and sole purpose of supplying pet animals to entities for research. ~~For purposes of this section, a pound or shelter is not a "wholesaler", as defined in section 25-4-701 (11), C.R.S.~~ Before selling, giving, lending, or in any other manner providing a dog or cat to any private or public facility for use in medical or any other kind of experimentation, a pound or shelter shall care for such dog or cat for a minimum of two weeks, during which time such dog or cat shall be made available for adoption while the pound or shelter makes a reasonable effort to establish the identity of the owner of such dog or cat and, if such owner is identified, gives such owner notice regarding the taking and impounding of such animal and an opportunity to reclaim such animal. Such reasonable effort shall include contacting the owner if the dog or cat is wearing an identification tag.

**SECTION 17. Repeal.** Part 11 of article 4 of title 25 and sections 25-4-704, 25-4-707, and 25-4-714, Colorado Revised Statutes, 1989 Repl. Vol., as amended, are repealed.

**SECTION 18. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the pet animal care and facility fund not otherwise appropriated, to the department of law, for the fiscal year beginning July 1, 1994, the sum of four thousand nine hundred seventy-three dollars (\$4,973) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the pet animal care and facility fund not otherwise appropriated, to the department of agriculture, for the fiscal year beginning July 1, 1994, the sum of forty-eight thousand one hundred twenty dollars (\$48,120) and 0.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 19. Effective date.** This act shall take effect July 1, 1994.

**SECTION 20. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 1994