

CHAPTER 44

AGRICULTURE

SENATE BILL 98-153

BY SENATOR Hernandez;
also REPRESENTATIVES Johnson, Epps, Gotlieb, Kaufman, Kreutz, Mace, Reeser, and Salaz.

AN ACT

CONCERNING REGULATORY MEASURES TO SAFEGUARD THE WELFARE OF PET ANIMALS, AND, IN CONNECTION THEREWITH, AMENDING THE DEFINITIONS OF "PET ANIMAL FACILITY" AND "SMALL ANIMAL HOBBY BREEDER FACILITY" AND REGULATING THE BANDING OF PSITTACINE BIRDS.

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

SECTION 1. 35-80-102 (11) and (12), Colorado Revised Statutes, are amended, and the said 35-80-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(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. FOR PURPOSES OF THIS ARTICLE, TWO OR MORE ANIMAL FACILITIES THAT HAVE THE SAME OR A SIMILAR PURPOSE AND OPERATE FROM ONE PLACE OR PREMISE SHALL BE CONSIDERED A SINGLE PET ANIMAL FACILITY.

(11.8) "SMALL ANIMAL BREEDER FACILITY" MEANS ANY FACILITY THAT TRANSFERS MORE SMALL MAMMALS THAN THE MAXIMUM NUMBER ESTABLISHED BY THE COMMISSIONER BY RULE FOR EACH PARTICULAR SPECIES.

(12) "Small animal hobby breeder facility" means any facility ~~which~~ THAT

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

transfers ~~no more~~ A NUMBER OF SMALL MAMMALS THAT IS LESS than ~~two hundred~~ rodents or lagomorphs in the aggregate per year THE MAXIMUM NUMBER ESTABLISHED BY THE COMMISSIONER BY RULE FOR EACH PARTICULAR SPECIES.

SECTION 2. Article 80 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

35-80-106.5. Psittacine bird leg band - fee. (1) EACH APPLICANT FOR A COLORADO PSITTACINE BIRD LEG BAND SHALL BE ISSUED A BIRD LEG BAND NUMBER BY THE COMMISSIONER AFTER PAYING THE REQUIRED APPLICATION FEE, AND EACH HOLDER OF A BIRD LEG BAND NUMBER SHALL PAY AN ANNUAL RENEWAL FEE ON OR BEFORE OCTOBER 1 OF EACH YEAR.

(2) THE APPLICATION AND RENEWAL FEES DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL BE SET FORTH IN RULE ADOPTED BY THE COMMISSIONER.

SECTION 3. 35-80-108 (1) (i), Colorado Revised Statutes, is amended to read:

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:

(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~~ THAT HAVE NOT BEEN 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.~~ APPLIED DURING THE PREFEATHERED STAGE OF DEVELOPMENT AND APPROPRIATE TO THE SIZE AND SPECIES OF THE BIRD;

SECTION 4. 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: March 24, 1998