

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0368.01 Clare Haffner x6137

HOUSE BILL 26-1183

HOUSE SPONSORSHIP

McCormick and Duran,

SENATE SPONSORSHIP

Cutter and Pelton B.,

House Committees

Agriculture, Water & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE LICENSING OF PET ANIMAL**
102 **FACILITIES BY THE COMMISSIONER OF AGRICULTURE IN**
103 **ACCORDANCE WITH THE "PET ANIMAL CARE AND FACILITIES**
104 **ACT", AND, IN CONNECTION THEREWITH, IMPLEMENTING THE**
105 **RECOMMENDATIONS CONTAINED IN THE 2025 SUNSET REPORT**
106 **BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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/>.)

Sunset Process - House Agriculture, Water, and Natural

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

Resources Committee. The bill implements the recommendations of the department of regulatory agencies in its 2025 sunset review of the "Pet Animal Care and Facilities Act" (PACFA) as follows:

- **Sections 1 and 2** of the bill continue the commissioner of agriculture's (commissioner) function of licensing pet animal facilities in accordance with the PACFA for 15 years, until 2041;
 - **Section 3** amends the PACFA's pet animal advisory committee (committee) membership structure by requiring the commissioner, on and after January 1, 2027, to appoint 15 members with certain specifications. **Section 3** also specifies that members appointed to the committee on and after January 1, 2027, may serve no more than 2 consecutive terms of 4 years.
 - **Section 4** prohibits the importation of certain pet animals into the state without a valid certificate of veterinary inspection issued by an accredited veterinarian in the state of origin within 10 days prior to the pet animal's arrival in Colorado;
 - **Section 5** clarifies that the commissioner is authorized to adopt rules extending the required minimum holding periods for pet animals held by or in the custody of a licensed animal shelter;
 - **Section 6** removes the current maximum fee amount of \$700 for pet animal facility license application fees and permits the commissioner to establish the fee amount by rule, which amount must be based on the direct and indirect costs of processing license applications;
 - **Section 7** raises the maximum civil penalty amount for a violation of the PACFA or of a rule adopted pursuant to the PACFA from \$1,000 per violation to \$2,500 per violation;
 - **Section 8** states that a person that chooses to request a hearing in response to a cease-and-desist order issued by the commissioner for a violation of the PACFA or of a rule adopted pursuant to the PACFA must do so within 30 days after the issuance of the cease-and-desist order; and
 - **Section 9** relocates the statute that establishes the pet overpopulation authority (authority) so the authority is no longer subject to sunset review as part of the PACFA.
- Sections 10 through 13** make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**

1 (27)(a)(XII); and **add (35)(a)(IX)** as follows:

2 **24-34-104. General assembly review of regulatory agencies**
3 **and functions for repeal, continuation, or reestablishment - legislative**
4 **declaration - repeal.**

5 (27) (a) The following agencies, functions, or both, are scheduled
6 for repeal on September 1, 2026:

7 (XII) ~~The licensing of pet animal facilities by the commissioner~~
8 ~~of agriculture in accordance with article 80 of title 35;~~

9 (35) (a) The following agencies, functions, or both, are scheduled
10 for repeal on September 1, 2034:

11 (IX) THE LICENSING OF PET ANIMAL FACILITIES BY THE
12 COMMISSIONER OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 80 OF
13 TITLE 35.

14 **SECTION 2.** In Colorado Revised Statutes, 35-80-117, **amend**
15 (1) as follows:

16 **35-80-117. Repeal of article - sunset review - report to general**
17 **assembly.**

18 (1) This article 80 is repealed, effective ~~September 1, 2026~~
19 **SEPTEMBER 1, 2034.**

20 **SECTION 3.** In Colorado Revised Statutes, 35-80-115, **amend**
21 (1), (3), and (4); and **add (1.5) and (2.5)** as follows:

22 **35-80-115. Advisory committee - repeal.**

23 (1) (a) There is hereby established a pet animal advisory
24 committee to advise the commissioner in establishing rules under this
25 article 80 and to provide ongoing review of this article 80. The members
26 of the advisory committee shall receive no compensation or
27 reimbursement from the state of Colorado or the department for expenses

1 incurred in the performance of their duties. The advisory committee shall
2 consist of seventeen persons appointed by the commissioner as follows:

3 (a) (I) One person who represents animal rescue;
4 (b) (II) One person who represents bird breeders;
5 (c) (III) One person who represents small-scale operation dog
6 breeders;

7 (d) (IV) One person who represents cat breeders;
8 (e) (V) One person who represents small animal breeders;
9 (f) (VI) One person who represents boarding kennels;
10 (f.5) (VII) One person who represents the "dog day care industry",
11 which term means premises on which dogs are kept primarily for the
12 purpose of short-term care;

13 (g) (VIII) One person who represents pet groomers;
14 (h) (IX) One person who represents pet animal retailers;
15 (i) (X) One person who represents pet animal wholesalers;
16 (j) (XI) One person who represents animal control officers;
17 (k) (XII) One person who represents animal shelters;
18 (l) (XIII) One veterinarian licensed pursuant to article 315 of title
19 12;

20 (m) (XIV) Three members of the general public, none of whom
21 shall represent or have a financial interest in any of the groups listed in
22 this subsection (1); and

23 (n) (XV) One person who represents large-scale operation dog
24 breeders.

25 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, ON
26 JANUARY 1, 2027:

27 (I) THE ADVISORY COMMITTEE DESCRIBED IN SAID SUBSECTION

1 (1)(a) IS DISMISSED;

2 (II) THE ADVISORY COMMITTEE'S AUTHORITY IS REVOKED; AND

3 (III) THE ADVISORY COMMITTEE DESCRIBED IN SUBSECTION (1.5)

4 OF THIS SECTION SHALL ASSUME THE AUTHORITY OF THE ADVISORY

5 COMMITTEE DESCRIBED IN SAID SUBSECTION (1)(a).

6 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JANUARY 1,

7 2028.

8 (1.5) (a) ON JANUARY 1, 2027, THE PET ANIMAL ADVISORY

9 COMMITTEE IS ESTABLISHED TO ADVISE THE COMMISSIONER IN

10 ESTABLISHING RULES UNDER THIS ARTICLE 80 AND TO PROVIDE ONGOING

11 REVIEW OF THIS ARTICLE 80. THE ADVISORY COMMITTEE CONSISTS OF

12 FIFTEEN INDIVIDUALS APPOINTED BY THE COMMISSIONER AS FOLLOWS:

13 (I) TEN INDIVIDUALS, EACH OF WHOM REPRESENTS AT LEAST ONE

14 DISTINCT CATEGORY OF LICENSE ISSUED PURSUANT TO THIS ARTICLE 80;

15 (II) ONE INDIVIDUAL WHO REPRESENTS ANIMAL CONTROL

16 OFFICERS;

17 (III) ONE INDIVIDUAL WHO IS A VETERINARIAN LICENSED

18 PURSUANT TO ARTICLE 315 OF TITLE 12; AND

19 (IV) THREE INDIVIDUALS WHO DO NOT REPRESENT OR HAVE A

20 FINANCIAL INTEREST IN ANY OF THE GROUPS LISTED IN THIS SUBSECTION

21 (1.5).

22 (b) (I) ON OR BEFORE DECEMBER 1, 2026, THE COMMISSIONER

23 SHALL APPOINT THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE.

24 EACH INITIAL MEMBER OF THE ADVISORY COMMITTEE SHALL SERVE AN

25 INITIAL TERM OF FOUR YEARS; EXCEPT THAT:

26 (A) TWO OF THE INITIAL MEMBERS APPOINTED PURSUANT TO

27 SUBSECTION (1.5)(a)(I) OF THIS SECTION SHALL SERVE AN INITIAL TERM OF

1 THREE YEARS;

2 (B) TWO OF THE INITIAL MEMBERS APPOINTED PURSUANT TO
3 SUBSECTION (1.5)(a)(I) OF THIS SECTION SHALL SERVE AN INITIAL TERM OF
4 TWO YEARS;

5 (C) ONE OF THE INITIAL MEMBERS APPOINTED PURSUANT TO
6 SUBSECTION (1.5)(a)(IV) OF THIS SECTION SHALL SERVE AN INITIAL TERM
7 OF THREE YEARS; AND

8 (D) ONE OF THE INITIAL MEMBERS APPOINTED PURSUANT TO
9 SUBSECTION (1.5)(a)(IV) OF THIS SECTION SHALL SERVE AN INITIAL TERM
10 OF TWO YEARS.

11 (II) (A) THE COMMISSIONER, AT THE COMMISSIONER'S DISCRETION,
12 MAY APPOINT A MEMBER OF THE ADVISORY COMMITTEE DESCRIBED IN
13 SUBSECTION (1) OF THIS SECTION TO THE ADVISORY COMMITTEE
14 DESCRIBED IN THIS SUBSECTION (1.5).

15 (B) THIS SUBSECTION (1.5)(b)(II) IS REPEALED, EFFECTIVE
16 JANUARY 1, 2028.

17 (III) AFTER THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE
18 COMPLETE THEIR INITIAL TERMS, EACH MEMBER APPOINTED TO THE
19 ADVISORY COMMITTEE SHALL SERVE A TERM OF FOUR YEARS; EXCEPT
20 THAT AN INDIVIDUAL SHALL NOT SERVE MORE THAN TWO CONSECUTIVE
21 FOUR-YEAR TERMS ON THE ADVISORY COMMITTEE.

22 (2.5) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE
23 NO COMPENSATION OR REIMBURSEMENT FROM THE STATE OF COLORADO
24 OR THE DEPARTMENT FOR EXPENSES INCURRED IN THE PERFORMANCE OF
25 THEIR DUTIES.

26 (3) In the event of a vacancy on the advisory committee prior to
27 the completion of a member's full term, the commissioner shall appoint

1 a person to complete the remainder of the term. The person shall
2 represent the same group as the member the person is replacing. pursuant
3 to subsection (1) of this section.

4 (4) (a) The initial appointments of the animal rescue
5 representative, the small animal breeder, the pet animal wholesaler, one
6 member from the general public, and the large-scale operation dog
7 breeder shall expire on January 1, 1995. The initial appointments of the
8 bird breeder, the representative of boarding kennels, the representative of
9 animal control officers, the small-scale operation dog breeder, and one
10 member from the general public shall expire on January 1, 1996. The
11 initial appointment of all other members shall be for a term of three years.
12 Thereafter, members of the advisory committee shall serve for terms of
13 three years.

14 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1,
15 2027.

16 **SECTION 4.** In Colorado Revised Statutes, 35-80-108, **amend**
17 (1)(n) as follows:

18 **35-80-108. Unlawful acts - short title - disclosure requirement**
19 **- definition - rules.**

20 (1) Unless otherwise authorized by law, it is unlawful and a
21 violation of this article 80 for an individual or entity:

22 (n) To import or cause to be imported a ~~dog or cat~~ PET ANIMAL,
23 EXCLUDING A REPTILE, FISH, OR RODENT, for the purpose of sale by a pet
24 animal facility, unless the ~~dog or cat~~ PET ANIMAL has a VALID certificate
25 of veterinary health and, if the ~~dog or cat~~ is over six months old, proof of
26 a rabies vaccination, or INSPECTION BY AN ACCREDITED VETERINARIAN IN
27 THE STATE OF ORIGIN ISSUED WITHIN TEN DAYS PRIOR TO THE PET

1 ANIMAL'S ARRIVAL IN COLORADO. A PET ANIMAL FACILITY SHALL MEET
2 ALL IMPORT REQUIREMENTS AS DETERMINED BY THE STATE
3 VETERINARIAN.

4 
5 **SECTION 5.** In Colorado Revised Statutes, 35-80-105, **amend**
6 (4) as follows:

7 **35-80-105. Pet animal facility - licensure requirements -**
8 **application - fees - rules.**

9 (4) Each applicant for a pet animal facility license shall pay an
10 annual license fee in the amount specified by rule of the commissioner,
11 which amount shall not exceed ~~seven hundred~~ ONE THOUSAND FIVE
12 HUNDRED dollars per license.

13 **SECTION 6.** In Colorado Revised Statutes, 35-80-113, **amend**
14 (1) as follows:

15 **35-80-113. Civil penalties.**

16 (1) ~~Any A person who~~ THAT violates ~~any provision of this article~~
17 ARTICLE 80 or any rule adopted pursuant to this ~~article~~ ARTICLE 80 is
18 subject to a civil penalty, as determined by the commissioner. The
19 AMOUNT OF THE maximum penalty ~~shall~~ MUST not exceed ~~one thousand~~
20 TWO THOUSAND FIVE HUNDRED dollars per violation.

21 **SECTION 7.** In Colorado Revised Statutes, 35-80-111, **amend**
22 (2)(a) as follows:

23 **35-80-111. Enforcement - cease-and-desist orders - hearings.**

24 (2) (a) Whenever the commissioner has reasonable cause to
25 believe a violation ~~of a provision~~ of this article 80 or a rule adopted
26 pursuant to this article 80 has occurred and immediate enforcement is
27 ~~deemed~~ necessary, the commissioner may issue a cease-and-desist order,

1 which may require a person to cease ~~violating a provision of this article~~
2 ~~80 or a rule adopted pursuant to this article 80~~ THE VIOLATION. The
3 cease-and-desist order must set forth the provisions alleged to have been
4 violated, the facts alleged to have constituted the violation, and the
5 requirement that all actions cease forthwith. ~~At any time after service of~~
6 ~~the order to cease and desist~~, The person may request, at the person's
7 discretion, a **prompt** hearing to determine whether the violation occurred,
8 WHICH REQUEST MUST BE MADE WITHIN THIRTY DAYS AFTER ISSUANCE OF
9 THE ORDER TO CEASE AND DESIST. The hearing shall be conducted
10 pursuant to article 4 of title 24 and shall be conducted promptly.

11 **SECTION 8.** In Colorado Revised Statutes, 35-80-109, **add** (8)
12 as follows:

13 **35-80-109. Powers and duties of commissioner - rules.**

14 (8) THE COMMISSIONER SHALL DEVELOP AN ADMINISTRATIVE
15 PROCESS, NOT INCONSISTENT WITH SECTION 24-4-103 (7), FOR AN
16 INTERESTED PERSON TO PETITION FOR THE ISSUANCE, AMENDMENT, OR
17 REPEAL OF A RULE BY THE COMMISSIONER PURSUANT TO THIS ARTICLE 80.

18 **SECTION 9.** In Colorado Revised Statutes, 42-3-234, **amend**
19 (4)(b) and (4)(c); and **add with amended and relocated provisions** (7)
20 as follows:

21 **42-3-234. Special plates - adopt a shelter pet - pet**
22 **overpopulation authority - pet overpopulation fund - adopt a shelter**
23 **pet account - definitions.**

24 (4) The amount of the taxes and fees for special license plates
25 under this section is the same as the amount of the taxes and fees
26 specified for regular motor vehicle license plates; except that the
27 department shall collect the following fees and donations:

1 (b) A one-time, thirty-dollar donation for issuance or replacement
2 of the license plate, which donation shall be transmitted to the state
3 treasurer, who shall credit the same to the adopt a shelter pet account in
4 the pet overpopulation fund created in ~~section 35-80-116.5, C.R.S.~~
5 SUBSECTION (7)(f) OF THIS SECTION; and

6 (c) An annual twenty-five-dollar license plate renewal donation,
7 which donation shall be transmitted to the state treasurer, who shall credit
8 the same to the adopt a shelter pet account in the pet overpopulation fund
9 created in ~~section 35-80-116.5, C.R.S.~~ SUBSECTION (7)(f) OF THIS
10 SECTION; except that the department and its authorized agents may retain
11 the portion of the donation necessary to offset implementing this
12 ~~paragraph (c)~~ SUBSECTION (4)(c), up to a maximum of two dollars.

13 (7) (a) **[Formerly 35-80-116.5 (1)]** There is hereby created the
14 Colorado pet overpopulation authority, ~~also referred to in this section as~~
15 ~~the "authority"~~, which shall be IS a body corporate and a political
16 subdivision of the state. The authority is not an agency of state
17 government and is not subject to administrative direction by any state
18 agency. ~~except as provided in this article.~~

19 (b) **[Formerly 35-80-116.5 (2)]** ~~(a)~~ (I) The powers of the
20 ~~Colorado pet overpopulation~~ authority are vested in a board of directors
21 consisting of the following:

22 ~~(H)~~ (A) One representative of the Animal Assistance Foundation
23 or its successor organization;

24 ~~(H)~~ (B) One representative of an animal shelter; ~~as defined in~~
25 ~~section 35-80-102 (1)~~;

26 ~~(H)~~ (C) One representative of a state veterinary medical
27 association;

1 ~~(IV)~~ (D) One representative of a Colorado animal control agency;

2 ~~(V)~~ (E) One representative from the department of agriculture;

3 ~~(VI)~~ (F) One member from a pet animal rescue; ~~as defined in~~
4 ~~section 35-80-102 (11.2);~~

5 ~~(VII)~~ (G) One member of the general public who has an interest
6 in animal welfare who is not a member of a board of any animal welfare
7 organization;

8 ~~(VIII)~~ (H) One ~~representative of~~ MEMBER WHO IS FROM WESTERN
9 COLORADO AND REPRESENTS an animal shelter ~~as defined in section~~
10 ~~35-80-102 (1);~~ OR a pet animal rescue ~~as defined in section 35-80-102~~
11 ~~(11.2);~~ or IS a veterinary professional registered with the state board of
12 veterinary medicine; ~~from western Colorado;~~

13 ~~(IX)~~ (I) One ~~representative of~~ MEMBER WHO IS FROM EASTERN
14 COLORADO AND REPRESENTS an animal shelter ~~as defined in section~~
15 ~~35-80-102 (1);~~ OR a pet animal rescue ~~as defined in section 35-80-102~~
16 ~~(11.2);~~ or IS a veterinary professional registered with the state board of
17 veterinary medicine; ~~from eastern Colorado;~~

18 ~~(X)~~ (J) One ~~representative of~~ MEMBER WHO IS FROM SOUTHERN
19 COLORADO AND REPRESENTS an animal shelter ~~as defined in section~~
20 ~~35-80-102 (1);~~ OR a pet animal rescue, ~~as defined in section 35-80-102~~
21 ~~(11.2);~~ or IS a veterinary professional registered with the state board of
22 veterinary medicine; ~~from southern Colorado;~~ and

23 ~~(XI)~~ (K) One representative from a pet animal facility licensed
24 and in good standing pursuant to section 35-80-104 located in a county
25 with a population of fifty thousand or less.

26 ~~(b)~~ (II) The commissioner OF AGRICULTURE shall appoint the
27 board members to three-year terms; except that three of the members

1 appointed on September 1, 2001, shall serve an initial term of two years.
2 Each member shall serve at the pleasure of the commissioner and shall
3 continue in office until the member's successor is appointed and qualified.
4 Initial members of the authority shall be appointed no later than
5 September 1, 2001.

6 ~~(e)~~ (III) On the expiration of the term of a member of the board,
7 that member's successor shall be appointed by the commissioner OF
8 AGRICULTURE for a term of three years; except that, in the case of a
9 vacancy, the commissioner shall appoint ~~a person~~ AN INDIVIDUAL who
10 shall serve for the unexpired term.

11 (c) **[Formerly 35-80-116.5 (3)]** ~~(a)~~ (I) Each board member shall
12 meet the following qualifications at the time of appointment and
13 throughout the member's term of office:

14 ~~(H)~~ (A) Residency in this state; and

15 ~~(H)~~ (B) Demonstration of an active interest in the education of the
16 community regarding the benefits of pet overpopulation control in
17 Colorado.

18 ~~(b)~~ (II) The commissioner OF AGRICULTURE shall immediately
19 declare the office of any member of the board vacant whenever the
20 commissioner finds that the member is not qualified under this ~~subsection~~
21 ~~(3)~~ SUBSECTION (7)(c) or that the member is unable to perform the duties
22 of the office.

23 ~~(e)~~ (III) Members shall serve without compensation for any
24 service provided to the ~~Colorado pet overpopulation~~ authority. Members
25 shall not receive any reimbursement from the board for any expenses
26 incurred fulfilling their responsibilities pursuant to this ~~section~~
27 SUBSECTION (7).

1 ~~(d)~~ (IV) Except as provided in ~~subsection (2)(a)(VII)~~ SUBSECTION
2 (7)(b)(I)(G) of this section, a board member may be a member of a board
3 or subcommittee of a board of an animal welfare organization, but no
4 more than one member of the board may be on the board or subcommittee
5 of the board of the same animal welfare organization.

6 ~~(e)~~ (V) A member of the board shall recuse themselves from any
7 board action or vote if they have a conflict of interest in relation to the
8 board action or vote, including any allocation of funding to the member
9 made pursuant to this ~~section~~ SUBSECTION (7).

10 (d) [Formerly 35-80-116.5 (4)] The board may:

11 ~~(a)~~ (I) Adopt an education program concerning pet overpopulation
12 with emphasis on the importance of spaying and neutering to control pet
13 overpopulation;

14 ~~(b)~~ (II) Develop, adopt, and implement a process to fund and
15 expend ~~moneys~~ MONEY for the activities and responsibilities of the board.
16 Funding for the board includes the ~~moneys~~ MONEY available in the ~~pet~~
17 ~~overpopulation~~ fund. ~~created in subsection (5) of this section.~~

18 ~~(c)~~ (III) Accept gifts, grants, and donations, including personal
19 services, for the activities and responsibilities of the board. Any gift,
20 grant, or donation other than personal services shall be deposited into the
21 ~~pet overpopulation~~ fund. ~~created in subsection (5) of this section.~~

22 ~~(d)~~ (IV) Develop, adopt, and implement a cooperative process to
23 work with local veterinarians, licensed animal shelters, and local
24 communities concerning animal sheltering and pet overpopulation control
25 in this state.

26 (e) [Formerly 35-80-116.5 (4.5)] The board shall annually publish
27 on the ~~pet overpopulation~~ fund website the name of each grantee

1 receiving money from the ~~pet overpopulation~~ fund, the amount of each
2 grant provided to a grantee, when a grantee received a grant, and the
3 names of each board member.

4 (f) [Formerly 35-80-116.5 (5)] ~~(a)~~ (I) Donations collected
5 pursuant to ~~subsection (4)~~ SUBSECTION (7)(d) of this section and section
6 39-22-2201 ~~C.R.S.~~, shall be transmitted to the state treasurer and credited
7 to the pet overpopulation fund, which fund is ~~hereby~~ created in the state
8 treasury. All interest derived from the deposit and investment of ~~moneys~~
9 MONEY in the fund ~~shall be~~ IS credited to the fund.

10 ~~(b)~~ (II) All unexpended and unencumbered ~~moneys~~ MONEY
11 remaining in the fund at the end of any STATE fiscal year ~~shall remain~~
12 REMAINS in the fund, ~~and~~ DOES not revert back to the general fund or any
13 other fund, ~~or~~ AND SHALL NOT be used for any purpose other than the
14 purposes set forth in this ~~section~~ SUBSECTION (7). Such ~~moneys shall be~~
15 MONEY IS appropriated continually to the state treasurer, who shall
16 transfer all available ~~moneys~~ MONEY in the ~~pet overpopulation~~ fund to the
17 ~~pet overpopulation~~ authority at least quarterly unless the board expressly
18 requests otherwise. The board shall expend ~~moneys~~ MONEY from the ~~pet~~
19 ~~overpopulation~~ fund for the implementation of this ~~section~~ SUBSECTION
20 (7).

21 ~~(c)~~ (III) When expending ~~funds~~ MONEY to implement this ~~section~~
22 SUBSECTION (7), the ~~Colorado pet overpopulation~~ authority shall give
23 priority to the areas that have an insufficient number of pet animal
24 veterinary resources to adequately meet local needs.

25 ~~(c.5)~~ (IV) At least seventy percent of the money annually awarded
26 for all grants that are funded by the ~~pet overpopulation~~ fund must be
27 annually allocated for rural community facilities. The board shall consider

1 awarding at least fifty percent of the ~~fund's~~ MONEY designated for rural
2 community facilities to counties with a population of fifty thousand or
3 less.

4 ~~(d)~~ (V) There is ~~hereby~~ created in the ~~pet overpopulation~~ fund the
5 adopt a shelter pet account, which consists of ~~money's~~ MONEY donated to
6 qualify for the adopt a shelter pet special license plate pursuant to ~~section~~
7 ~~42-3-234, C.R.S.~~ THIS SECTION.

8 ~~(e)~~ (f) (VI) (A) The authority shall use the money in the adopt a
9 shelter pet account to support the spaying and neutering and other medical
10 costs of animals in animal shelters and rescues, to support overpopulation
11 education programs, and to support the trap-neuter-return established in
12 ~~subsection (9)(b)~~ SUBSECTION (7)(j)(II) of this section; except that up to
13 ten percent of the money in the adopt a shelter pet account may be used
14 for the administration of the account.

15 ~~(H)~~ (B) The authority ~~must~~ SHALL not favor a particular shelter
16 model when allocating money from the adopt a shelter pet account.

17 (g) [Formerly 35-80-116.5 (6)] Except as provided in ~~section~~
18 ~~42-3-234, C.R.S.~~ THIS SUBSECTION (7), the ~~Colorado pet overpopulation~~
19 authority ~~created pursuant to this section~~, shall not be funded by or
20 through any state agency.

21 (h) [Formerly 35-80-116.5 (7)] Nothing in this ~~section~~
22 SUBSECTION (7) shall be construed to authorize the ~~Colorado pet~~
23 ~~overpopulation~~ authority to ~~promulgate~~ ADOPT rules to implement this
24 ~~section~~ SUBSECTION (7).

25 (i) [Formerly 35-80-116.5 (8)] A pet animal facility applying for
26 a grant described in ~~subsection (9)(b)~~ SUBSECTION (7)(j)(II) of this section
27 from the adopt a shelter pet account must be licensed and in good

1 standing pursuant to section 35-80-104.

2 (j) [Formerly 35-80-116.5 (9)] ~~(a)~~ (I) As used in this section
3 SUBSECTION (7), unless the context otherwise requires:

4 ~~(H)~~ (A) "Animal welfare facility" means a pet animal facility, as
5 defined in section 35-80-102 (11); a pet animal rescue, as defined in
6 section 35-80-102 (11.2); or a spay and neuter organization, as defined in
7 subsection (9)(a)(V) of this section.

8 (B) "ANIMAL SHELTER" HAS THE MEANING SET FORTH IN SECTION
9 35-80-102 (1).

10 (C) "AUTHORITY" MEANS THE COLORADO PET OVERPOPULATION
11 AUTHORITY CREATED IN SUBSECTION (7)(a) OF THIS SECTION.

12 ~~(H)~~ (D) "Community cat" means a free-roaming domestic cat that
13 may have a caretaker and is not socialized to humans.

14 ~~(H)~~ (E) "Ear-tipping" means the removal of approximately one
15 quarter of a community cat's left ear while under anesthesia, which serves
16 as a visual indicator of sterilization.

17 (F) "FUND" MEANS THE PET OVERPOPULATION FUND CREATED IN
18 SUBSECTION (7)(f)(I) OF THIS SECTION.

19 (G) "PET ANIMAL RESCUE" HAS THE MEANING SET FORTH IN
20 SECTION 35-80-102 (11.2).

21 ~~(H)~~ (H) "Rural community facility" means an animal welfare
22 facility that is located in a Colorado county with a population of two
23 hundred thousand or less.

24 ~~(V)~~ (I) "Spay and neuter organization" means a nonprofit
25 organization primarily offering spay and neuter services performed by a
26 licensed veterinarian, as defined in section 35-80-102 (8.7).

27 ~~(V)~~ (J) "Trap-neuter-return" means a nonlethal process of

1 humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and
2 returning ~~community cats~~ to their habitats COMMUNITY CATS.

3 ~~(b)~~ (II) The authority shall establish a trap-neuter-return funded
4 by the adopt a shelter pet account. The authority may award money from
5 the adopt a shelter pet account to animal welfare facilities located in
6 Colorado to implement trap-neuter-return for the purposes described in
7 ~~subsection (9)(c)~~ SUBSECTION (7)(j)(III) of this section.

8 ~~(c)~~ (III) An animal welfare facility awarded money for the
9 trap-neuter-return is authorized to spend the money only on:

10 ~~(H)~~ (A) Trapping, sterilizing, vaccinating, and ear-tipping
11 community cats in Colorado;

12 ~~(H)~~ (B) Veterinary care for the treatment and sterilization of
13 community cats in Colorado;

14 ~~(H)~~ (C) Training for community cat caretakers and animal control
15 personnel in humane trapping and trap-neuter-return protocols in
16 Colorado; and

17 ~~(IV)~~ (D) ~~For~~ An animal welfare facility that is a spay and neuter
18 organization, veterinary materials and support for mobile clinics in
19 Colorado.

20 **SECTION 10.** In Colorado Revised Statutes, 35-80-102, **amend**
21 (6.6) and (6.7) as follows:

22 **35-80-102. Definitions - repeal.**

23 As used in this article 80, unless the context otherwise requires:

24 (6.6) (a) "Dog breeder, large scale operation" or "large scale
25 operation dog breeder" means a dog breeder that transfers at least one
26 hundred dogs per year.

27 (b) THIS SUBSECTION (6.6) IS REPEALED, EFFECTIVE JANUARY 1,

1 2028.

2 (6.7) (a) "Dog breeder, small scale operation" or "small scale
3 operation dog breeder" means a dog breeder that transfers more than the
4 number of dogs permitted for a canine hobby breeder facility but no more
5 than ninety-nine dogs per year.

6 (b) THIS SUBSECTION (6.7) IS REPEALED, EFFECTIVE JANUARY 1,
7 2028.

8 **SECTION 11. Repeal of relocated provisions in this act.** In
9 Colorado Revised Statutes, **repeal** 35-80-116.5.

10 **SECTION 12.** In Colorado Revised Statutes, **amend** 39-22-2201
11 as follows:

12 **39-22-2201. Voluntary contribution designation - procedure.**

13 For income tax years commencing on or after January 1, 2010, the
14 Colorado state individual income tax return form must contain a line
15 whereby each individual taxpayer may designate the amount of the
16 contribution, if any, the taxpayer wishes to make to the pet
17 overpopulation fund created in ~~section 35-80-116.5(5)~~ SECTION 42-3-234
18 (7)(f).

19 **SECTION 13.** In Colorado Revised Statutes, **amend** 39-22-2202
20 as follows:

21 **39-22-2202. Contributions credited to the fund -**
22 **administration - transfer.**

23 The department of revenue shall determine annually the total
24 amount designated pursuant to section 39-22-2201 and shall report the
25 amount to the state treasurer, who shall credit such amount to the pet
26 overpopulation fund created in ~~section 35-80-116.5(5)~~, C.R.S. SECTION
27 42-3-234 (7)(f). The general assembly shall appropriate annually from the

1 pet overpopulation fund to the department the department's costs of
2 administering the ~~moneys~~ MONEY designated as contributions to the fund.
3 After subtracting the appropriation to the department, all designated
4 ~~moneys~~ MONEY in the fund ~~are hereby~~ IS continuously appropriated for
5 the purposes of this part 22. At the end of each STATE fiscal year, the state
6 treasurer shall transfer all designated ~~moneys~~ MONEY in the fund and all
7 interest earned through the investment of fund ~~moneys~~ MONEY, after
8 subtracting the appropriation to the department, as specified in ~~section~~
9 ~~35-80-116.5 (5)(b), C.R.S.~~ SECTION 42-3-234 (7)(f)(II).

10 **SECTION 14. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2026 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.