

CHAPTER 79

AGRICULTURE

HOUSE BILL 25-1137

BY REPRESENTATIVE(S) Lindsay and Velasco, Garcia, Mabrey, Story, Clifford, Martinez, Mauro, Ricks, Rutinel, Willford, Woodrow;
also SENATOR(S) Winter F., Cutter, Michaelson Jenet, Coleman.

AN ACT**CONCERNING MONEY FROM THE COLORADO ADOPT A SHELTER PET ACCOUNT USED FOR THE CARE OF COMMUNITY CATS.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The pet overpopulation fund has provided funding for grants and programs that have decreased the overpopulation of Colorado's pets;

(b) The pet overpopulation fund is overseen by the Colorado pet overpopulation authority, which is an entity not subject to administration by the state government, except for the appointment of its members by the commissioner of agriculture;

(c) The adopt a shelter pet account in the pet overpopulation fund receives money donated through the sale of the adopt a shelter pet license plate to be used for spaying and neutering animals in animal shelters and rescues and to support overpopulation education programs;

(d) The allocation of money in the adopt a shelter pet account is lacking in transparency and the public should have knowledge of the allocation of the money;

(e) Colorado should not favor one shelter model or ideology over another in shelter and rescue operations because all shelter and rescue operations work to place pets in adoptive homes, save animal lives, work in tandem with municipalities and counties, assist in the reduction of pet overpopulation, and are licensed pursuant to the pet animal care facility act;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(f) More than eighty percent of Americans support nonlethal solutions like spay and neuter programs and trap-neuter-return programs for managing pet and community cat populations;

(g) Community cats have historically faced high euthanasia rates in animal shelters due to a lack of a human address and socialization;

(h) Trap-neuter-return is a proven humane method to manage community cat populations, reduce the number of impounded community cats, and decrease nuisance complaints;

(i) The use of trap-neuter-return programs leads to healthier, more manageable community cat populations while saving taxpayer money and resources;

(j) Colorado rural communities receive proportionately less funding from the adopt a shelter pet account than urban communities and have a great need for resources; and

(k) The implementation of trap-neuter-return programs in Colorado's rural communities is crucial because services are often lacking and community cat populations are expanding.

(2) Therefore, the general assembly further finds and declares that there is a need to address the state's community cat population and that it is appropriate to use money in the adopt a shelter pet account of the Colorado pet overpopulation fund to support the sterilization and vaccination of community cats.

SECTION 2. In Colorado Revised Statutes, 35-80-116.5, **amend** (2)(a) introductory portion, (2)(a)(II), (2)(a)(IV), (2)(a)(VI), (2)(a)(VII), (2)(a)(VIII), and (5)(e); and **add** (2)(a)(IX), (2)(a)(X), (2)(a)(XI), (3)(d), (3)(e), (4.5), (5)(c.5), (8), and (9) as follows:

35-80-116.5. Pet overpopulation authority - creation - duties and powers - pet overpopulation fund - adopt a shelter pet account - definitions. (2) (a) The powers of the Colorado pet overpopulation authority ~~shall be~~ ARE vested in a board of directors consisting of the following:

(II) One representative of ~~the Colorado federation of animal welfare agencies or its successor organization~~ AN ANIMAL SHELTER AS DEFINED IN SECTION 35-80-102 (1);

(IV) One representative of ~~an association organized for~~ A Colorado animal control ~~officers~~ AGENCY;

(VI) One member from ~~an animal rescue organization~~ A PET ANIMAL RESCUE, AS DEFINED IN SECTION 35-80-102 (11.2);

(VII) One member of the general public ~~with~~ WHO HAS an interest in animal welfare WHO IS NOT A MEMBER OF A BOARD OF ANY ANIMAL WELFARE ORGANIZATION; **and**

(VIII) One representative of AN ANIMAL SHELTER, AS DEFINED IN SECTION 35-80-102 (1), A PET ANIMAL RESCUE, AS DEFINED IN SECTION 35-80-102 (11.2), OR A VETERINARY PROFESSIONAL REGISTERED WITH THE STATE BOARD OF VETERINARY MEDICINE, FROM western Colorado;

(IX) ONE REPRESENTATIVE OF AN ANIMAL SHELTER, AS DEFINED IN SECTION 35-80-102 (1), A PET ANIMAL RESCUE, AS DEFINED IN SECTION 35-80-102 (11.2), OR A VETERINARY PROFESSIONAL REGISTERED WITH THE STATE BOARD OF VETERINARY MEDICINE, FROM EASTERN COLORADO;

(X) ONE REPRESENTATIVE OF AN ANIMAL SHELTER, AS DEFINED IN SECTION 35-80-102 (1), A PET ANIMAL RESCUE, AS DEFINED IN SECTION 35-80-102 (11.2), OR A VETERINARY PROFESSIONAL REGISTERED WITH THE STATE BOARD OF VETERINARY MEDICINE, FROM SOUTHERN COLORADO; AND

(XI) ONE REPRESENTATIVE FROM A PET ANIMAL FACILITY LICENSED AND IN GOOD STANDING PURSUANT TO SECTION 35-80-104 LOCATED IN A COUNTY WITH A POPULATION OF FIFTY THOUSAND OR LESS.

(3) (d) EXCEPT AS PROVIDED IN 35-80-116.5 (2)(a)(VII), A BOARD MEMBER MAY BE A MEMBER OF A BOARD OR SUBCOMMITTEE OF A BOARD OF AN ANIMAL WELFARE ORGANIZATION, BUT NO MORE THAN ONE MEMBER OF THE BOARD MAY BE ON THE BOARD OR SUBCOMMITTEE OF THE BOARD OF THE SAME ANIMAL WELFARE ORGANIZATION.

(e) A MEMBER OF THE BOARD SHALL RECUSE THEMSELVES FROM ANY BOARD ACTION OR VOTE IF THEY HAVE A CONFLICT OF INTEREST IN RELATION TO THE BOARD ACTION OR VOTE, INCLUDING ANY ALLOCATION OF FUNDING TO THE MEMBER MADE PURSUANT TO THIS SECTION.

(4.5) THE BOARD SHALL ANNUALLY PUBLISH ON THE PET OVERPOPULATION FUND WEBSITE THE NAME OF EACH GRANTEE RECEIVING MONEY FROM THE PET OVERPOPULATION FUND, THE AMOUNT OF EACH GRANT PROVIDED TO A GRANTEE, WHEN A GRANTEE RECEIVED A GRANT, AND THE NAMES OF EACH BOARD MEMBER.

(5) (c.5) AT LEAST SEVENTY PERCENT OF THE MONEY ANNUALLY AWARDED FOR ALL GRANTS THAT ARE FUNDED BY THE PET OVERPOPULATION FUND MUST BE ANNUALLY ALLOCATED FOR RURAL COMMUNITY FACILITIES. THE BOARD SHALL CONSIDER AWARDED AT LEAST FIFTY PERCENT OF THE FUNDS DESIGNATED FOR RURAL COMMUNITY FACILITIES TO COUNTIES WITH A POPULATION OF FIFTY THOUSAND OR LESS.

(e) (I) The authority shall use the ~~moneys~~ MONEY in the adopt a shelter pet account to support the ~~spay~~ SPAYING and neutering and other medical costs of animals in animal shelters and rescues, or to support overpopulation education programs, AND TO SUPPORT THE TRAP-NEUTER-RETURN ESTABLISHED IN SUBSECTION (9)(b) OF THIS SECTION; except that up to ten percent of the ~~moneys~~ MONEY in the adopt a shelter pet account may be used for the administration of the account.

(II) THE COLORADO PET OVERPOPULATION AUTHORITY MUST NOT FAVOR A

PARTICULAR SHELTER MODEL WHEN ALLOCATING MONEY FROM THE ADOPT A SHELTER PET ACCOUNT.

(8) A PET ANIMAL FACILITY APPLYING FOR A GRANT DESCRIBED IN SUBSECTION (9)(b) OF THIS SECTION FROM THE ADOPT A SHELTER PET ACCOUNT MUST BE LICENSED AND IN GOOD STANDING PURSUANT TO SECTION 35-80-104.

(9) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ANIMAL WELFARE FACILITY" MEANS A PET ANIMAL FACILITY, AS DEFINED IN SECTION 35-80-102 (11), A PET ANIMAL RESCUE, AS DEFINED IN SECTION 35-80-102 (11.2), OR A SPAY AND NEUTER ORGANIZATION, AS DEFINED IN SUBSECTION (9)(a)(V) OF THIS SECTION.

(II) "COMMUNITY CAT" MEANS A FREE-ROAMING DOMESTIC CAT THAT MAY HAVE A CARETAKER AND IS NOT SOCIALIZED TO HUMANS.

(III) "EAR-TIPPING" MEANS THE REMOVAL OF APPROXIMATELY ONE QUARTER OF A COMMUNITY CAT'S LEFT EAR WHILE UNDER ANESTHESIA, WHICH SERVES AS A VISUAL INDICATOR OF STERILIZATION.

(IV) "RURAL COMMUNITY FACILITY" MEANS AN ANIMAL WELFARE FACILITY THAT IS LOCATED IN A COLORADO COUNTY WITH A POPULATION OF TWO HUNDRED THOUSAND OR LESS.

(V) "SPAY AND NEUTER ORGANIZATION" MEANS A NONPROFIT ORGANIZATION PRIMARILY OFFERING SPAY AND NEUTER SERVICES PERFORMED BY A LICENSED VETERINARIAN, AS DEFINED IN SECTION 35-80-102 (8.7).

(VI) "TRAP-NEUTER-RETURN" MEANS A NONLETHAL PROCESS OF HUMANELY TRAPPING, STERILIZING, VACCINATING FOR RABIES, EAR-TIPPING, AND RETURNING COMMUNITY CATS TO THEIR HABITATS.

(b) THE AUTHORITY SHALL ESTABLISH A TRAP-NEUTER-RETURN FUNDED BY THE ADOPT A SHELTER PET ACCOUNT. THE AUTHORITY MAY AWARD MONEY FROM THE ADOPT A SHELTER PET ACCOUNT TO ANIMAL WELFARE FACILITIES LOCATED IN COLORADO TO IMPLEMENT TRAP-NEUTER-RETURN FOR THE PURPOSES DESCRIBED IN SUBSECTION (9)(c) OF THIS SECTION.

(c) AN ANIMAL WELFARE FACILITY AWARDED MONEY FOR THE TRAP-NEUTER-RETURN IS AUTHORIZED TO SPEND THE MONEY ONLY ON:

(I) TRAPPING, STERILIZING, VACCINATING, AND EAR-TIPPING COMMUNITY CATS IN COLORADO;

(II) VETERINARY CARE FOR THE TREATMENT AND STERILIZATION OF COMMUNITY CATS IN COLORADO;

(III) TRAINING FOR COMMUNITY CAT CARETAKERS AND ANIMAL CONTROL PERSONNEL IN HUMANE TRAPPING AND TRAP-NEUTER-RETURN PROTOCOLS IN COLORADO; AND

(IV) FOR AN ANIMAL WELFARE FACILITY THAT IS A SPAY AND NEUTER ORGANIZATION, VETERINARY MATERIALS AND SUPPORT FOR MOBILE CLINICS IN COLORADO.

SECTION 3. Act subject to petition - effective date. 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 17, 2025