

CHAPTER 203

AGRICULTURE

HOUSE BILL 26-1183

BY REPRESENTATIVE(S) McCormick and Duran, Brown, Goldstein, Joseph, Lindsay, Marshall, Nguyen, Rutinel, Smith, Valdez, Hamrick, McCluskie;
also SENATOR(S) Cutter and Pelton B., Amabile, Kolker, Marchman, Wallace, Coleman.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (27)(a)(XII); and **add** (35)(a)(X) as follows:

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

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

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

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

~~(X) THE LICENSING OF PET ANIMAL FACILITIES BY THE COMMISSIONER OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 80 OF TITLE 35.~~

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

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

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.

(1) This article 80 is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1, 2034.

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

35-80-115. Advisory committee - repeal.

(1)(a) There is hereby established a pet animal advisory committee to advise the commissioner in establishing rules under this article 80 and to provide ongoing review of this article 80. 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 seventeen persons appointed by the commissioner as follows:

~~(a)~~ (I) One person who represents animal rescue;

~~(b)~~ (II) One person who represents bird breeders;

~~(c)~~ (III) One person who represents small-scale operation dog breeders;

~~(d)~~ (IV) One person who represents cat breeders;

~~(e)~~ (V) One person who represents small animal breeders;

~~(f)~~ (VI) One person who represents boarding kennels;

~~(f.5)~~ (VII) One person who represents the "dog day care industry", which term means premises on which dogs are kept primarily for the purpose of short-term care;

~~(g)~~ (VIII) One person who represents pet groomers;

~~(h)~~ (IX) One person who represents pet animal retailers;

~~(i)~~ (X) One person who represents pet animal wholesalers;

~~(j)~~ (XI) One person who represents animal control officers;

~~(k)~~ (XII) One person who represents animal shelters;

~~(l)~~ (XIII) One veterinarian licensed pursuant to article 315 of title 12;

~~(m)~~ (XIV) 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)~~ (XV) One person who represents large-scale operation dog breeders.

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

(I) THE ADVISORY COMMITTEE DESCRIBED IN SAID SUBSECTION (1)(a) IS DISMISSED;

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

(III) THE ADVISORY COMMITTEE DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION SHALL ASSUME THE AUTHORITY OF THE ADVISORY COMMITTEE DESCRIBED IN SAID SUBSECTION (1)(a).

(c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JANUARY 1, 2028.

(1.5) (a) ON JANUARY 1, 2027, THE PET ANIMAL ADVISORY COMMITTEE IS ESTABLISHED TO ADVISE THE COMMISSIONER IN ESTABLISHING RULES UNDER THIS ARTICLE 80 AND TO PROVIDE ONGOING REVIEW OF THIS ARTICLE 80. THE ADVISORY COMMITTEE CONSISTS OF FIFTEEN INDIVIDUALS APPOINTED BY THE COMMISSIONER AS FOLLOWS:

(I) TEN INDIVIDUALS, EACH OF WHOM REPRESENTS AT LEAST ONE DISTINCT CATEGORY OF LICENSE ISSUED PURSUANT TO THIS ARTICLE 80;

(II) ONE INDIVIDUAL WHO REPRESENTS ANIMAL CONTROL OFFICERS;

(III) ONE INDIVIDUAL WHO IS A VETERINARIAN LICENSED PURSUANT TO ARTICLE 315 OF TITLE 12; AND

(IV) THREE INDIVIDUALS WHO DO NOT REPRESENT OR HAVE A FINANCIAL INTEREST IN ANY OF THE GROUPS LISTED IN THIS SUBSECTION (1.5).

(b) (I) ON OR BEFORE DECEMBER 1, 2026, THE COMMISSIONER SHALL APPOINT THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE. EACH INITIAL MEMBER OF THE ADVISORY COMMITTEE SHALL SERVE AN INITIAL TERM OF FOUR YEARS; EXCEPT THAT:

(A) TWO OF THE INITIAL MEMBERS APPOINTED PURSUANT TO SUBSECTION (1.5)(a)(I) OF THIS SECTION SHALL SERVE AN INITIAL TERM OF THREE YEARS;

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

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

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

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

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

(III) AFTER THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE COMPLETE THEIR INITIAL TERMS, EACH MEMBER APPOINTED TO THE ADVISORY COMMITTEE SHALL

SERVE A TERM OF FOUR YEARS; EXCEPT THAT AN INDIVIDUAL SHALL NOT SERVE MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS ON THE ADVISORY COMMITTEE.

(c) IN APPOINTING MEMBERS OF THE ADVISORY COMMITTEE PURSUANT TO SUBSECTION (1.5)(a)(I) OF THIS SECTION, THE COMMISSIONER SHALL APPOINT A REPRESENTATIVE OF EACH CATEGORY OF LICENSE, IF ANY, WHICH CATEGORY COLLECTIVELY PAID TWENTY-FIVE PERCENT OR MORE OF THE TOTAL FEE REVENUE COLLECTED PURSUANT TO THIS ARTICLE 80 DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

(2.5) 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.

(3) In the event of a vacancy on the advisory committee prior to the completion of a member's full term, the commissioner shall appoint a person to complete the remainder of the term. The person shall represent the same group as the member the person is replacing. ~~pursuant to subsection (1) of this section.~~

(4) (a) The initial appointments of the animal rescue representative, the small animal breeder, the pet animal wholesaler, one member from the general public, and the large-scale operation 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-scale operation 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.

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

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

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

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

(n) To import or cause to be imported a ~~dog or cat~~ PET ANIMAL, EXCLUDING A REPTILE, FISH, OR RODENT, for the purpose of sale by a pet animal facility, unless the ~~dog or cat~~ PET ANIMAL has a VALID certificate of veterinary health and, if the ~~dog or cat~~ is over six months old, proof of a rabies vaccination; or INSPECTION BY AN ACCREDITED VETERINARIAN IN THE STATE OF ORIGIN ISSUED WITHIN TEN DAYS PRIOR TO THE PET ANIMAL'S ARRIVAL IN COLORADO. A PET ANIMAL FACILITY SHALL MEET ALL IMPORT REQUIREMENTS AS DETERMINED BY THE STATE VETERINARIAN.

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

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

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

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

35-80-113. Civil penalties.

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

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

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

(2) (a) Whenever the commissioner has reasonable cause to believe a violation ~~of a provision~~ of this article 80 or a rule adopted pursuant to this article 80 has occurred and immediate enforcement is ~~deemed~~ necessary, the commissioner may issue a cease-and-desist order, which may require a person to cease ~~violating a provision of this article 80 or a rule adopted pursuant to this article 80~~ THE VIOLATION. The cease-and-desist order must 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 the person's discretion, a **prompt** hearing to determine whether the violation occurred, WHICH REQUEST MUST BE MADE WITHIN THIRTY DAYS AFTER ISSUANCE OF THE ORDER TO CEASE AND DESIST. The hearing shall be conducted pursuant to article 4 of title 24 and shall be conducted promptly.

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

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

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

SECTION 9. In Colorado Revised Statutes, 35-80-108.5, **amend as added by House Bill 26-1011** (4)(b)(V) and (4)(b)(VI); and **add** (4)(b)(VII) as follows:

35-80-108.5. Pet stores - brokers - exceptions - short title.

(4) (b) Subsection (4)(a) of this section does not apply to:

(V) The sale or transfer of a dog or cat by the original breeder of the dog or cat;
or

(VI) The sale, transfer, or adoption of a dog or cat by a health-related research facility pursuant to section 35-82-102; OR

(VII) PRIOR TO JANUARY 1, 2028, THE SALE, TRANSFER, OR ADOPTION OF A DOG OR CAT TO OR BY A PET STORE.

SECTION 10. In Colorado Revised Statutes, 42-3-234, **amend** (4)(b) and (4)(c); and **add with amended and relocated provisions** (7) as follows:

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

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

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

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

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

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

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

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

~~(III)~~ (C) One representative of a state veterinary medical association;

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

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

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

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

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

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

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

~~(XI)~~ (K) 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.

~~(b)~~ (II) The commissioner OF AGRICULTURE shall appoint the board members to three-year terms; except that three of the members appointed on September 1, 2001, shall serve an initial term of two years. Each member shall serve at the pleasure of the commissioner and shall continue in office until the member's successor is appointed and qualified. Initial members of the authority shall be appointed no later than September 1, 2001.

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

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

~~(f)~~ (A) Residency in this state; and

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

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

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

~~(d)~~ (IV) Except as provided in ~~subsection (2)(a)(VII)~~ SUBSECTION (7)(b)(I)(G) of this section, 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)~~ (V) 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~~ SUBSECTION (7).

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

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

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

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

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

(e) [Formerly 35-80-116.5 (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.

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

~~(b)~~ (II) All unexpended and unencumbered ~~moneys~~ MONEY remaining in the fund at the end of any STATE fiscal year ~~shall remain~~ REMAINS in the fund, ~~and~~ DOES NOT revert back to the general fund or any other fund, ~~or~~ AND SHALL NOT be used for any purpose other than the purposes set forth in this ~~section~~ SUBSECTION (7). Such ~~moneys shall be~~ MONEY IS appropriated continually to the state treasurer, who shall

transfer all available ~~moneys~~ MONEY in the ~~pet overpopulation~~ fund to the ~~pet overpopulation~~ authority at least quarterly unless the board expressly requests otherwise. The board shall expend ~~moneys~~ MONEY from the ~~pet overpopulation~~ fund for the implementation of this ~~section~~ SUBSECTION (7).

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

~~(e.5)~~ (IV) 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 awarding at least fifty percent of the ~~funds~~ MONEY designated for rural community facilities to counties with a population of fifty thousand or less.

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

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

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

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

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

(i) **[Formerly 35-80-116.5 (8)]** A pet animal facility applying for a grant described in ~~subsection (9)(b)~~ SUBSECTION (7)(j)(II) of this section from the adopt a shelter pet account must be licensed and in good standing pursuant to section 35-80-104.

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

~~(f)~~ (A) "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~~.

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

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

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

~~(HH)~~ (E) "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.

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

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

~~(HV)~~ (H) "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)~~ (I) "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)~~ (J) "Trap-neuter-return" means a nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and returning ~~community cats~~ to their habitats COMMUNITY CATS.

~~(b)~~ (II) 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)~~ SUBSECTION (7)(j)(III) of this section.

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

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

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

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

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

SECTION 11. In Colorado Revised Statutes, 35-80-102, **amend** (6.6) and (6.7) as follows:

35-80-102. Definitions - repeal.

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

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

(b) THIS SUBSECTION (6.6) IS REPEALED, EFFECTIVE JANUARY 1, 2028.

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

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

SECTION 12. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** 35-80-116.5.

SECTION 13. In Colorado Revised Statutes, **amend** 39-22-2201 as follows:

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

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

SECTION 14. In Colorado Revised Statutes, **amend** 39-22-2202 as follows:

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

The department of revenue shall determine annually the total amount designated pursuant to section 39-22-2201 and shall report the amount to the state treasurer, who shall credit such amount to the pet overpopulation fund created in ~~section 35-80-116.5(5)~~, C.R.S. SECTION 42-3-234 (7)(f). The general assembly shall appropriate annually from the pet overpopulation fund to the department the department's costs of administering the ~~moneys~~ MONEY designated as contributions to the fund. After subtracting the appropriation to the department, all designated ~~moneys~~ MONEY in the fund ~~are hereby~~ IS continuously appropriated for the purposes of this part 22. At the end of each STATE fiscal year, the state treasurer shall transfer all designated ~~moneys~~ MONEY in the fund and all interest earned through the investment of fund ~~moneys~~ MONEY, after subtracting the appropriation to the department, as specified in ~~section 35-80-116.5(5)(b)~~, C.R.S. SECTION 42-3-234 (7)(f)(II).

SECTION 15. Act subject to petition - effective date. (1) Except as provided in subsection (2) of this section, 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 (August 12, 2026, if adjournment sine die is on May 13, 2026); 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.

(2) Section 35-80-108.5, Colorado Revised Statutes, as amended in section 9 of this act, takes effect only if House Bill 26-1011 becomes law, in which case section 35-80-108.5, Colorado Revised Statutes, as amended in section 9 of this act, takes effect on the applicable effective date of this act.

Approved: May 28, 2026