

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0354.02 Christy Chase x2008

HOUSE BILL 16-1120

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

Tate,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT THAT DOMESTIC PETS BE
102 VACCINATED AGAINST RABIES.

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://www.leg.state.co.us/billsummaries>.)

Under current law, local governments may determine whether to require pet owners to vaccinate their pets against rabies through a licensing program. Additionally, when public health and safety are at risk, county or district health departments may order all dogs, cats, other pet animals, or other mammals in the in the county or district to be vaccinated against rabies.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill imposes a statewide requirement that all dogs and cats that are 4 months old or older be vaccinated against rabies. Dog and cat owners must ensure that their animals are vaccinated within 90 days after assuming ownership, and a licensed veterinarian must administer the vaccination and issue to the owner a rabies vaccination certificate and a tag to be attached to the animal's collar.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-4-607, **amend** (1)
3 and (2); and **add** (5) as follows:

4 **25-4-607. Order of board of health requiring inoculation of**
5 **animals - all dogs and cats to be vaccinated - veterinarian waiver.**

6 (1) (a) ~~When it is deemed advisable in the interest of public health and~~
7 ~~safety, the board of health of an organized health department or a county~~
8 ~~board of health may order that ALL dogs AND cats other pet animals, or~~
9 ~~other mammals in the county or district~~ FOUR MONTHS OF AGE OR OLDER
10 SHALL be vaccinated against rabies ~~such vaccination to be performed by~~
11 a licensed veterinarian USING A VACCINE THAT IS LICENSED BY THE
12 UNITED STATES DEPARTMENT OF AGRICULTURE FOR USE IN THOSE
13 SPECIES.

14 (b) (I) ~~Notwithstanding the provisions of paragraph (a) of this~~
15 ~~subsection (1), a board of health of an organized health department or a~~
16 ~~county board of health shall not order the inoculation of dogs, cats, or~~
17 ~~ferrets against rabies any more frequently than is recommended in the~~
18 ~~"Compendium of Animal Rabies Control", as promulgated by the~~
19 ~~National Association of State Public Health Veterinarians. EXCEPT AS~~
20 PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (b), AN
21 OWNER SHALL ENSURE THAT HIS OR HER DOG OR CAT IS VACCINATED
22 AGAINST RABIES WITHIN NINETY DAYS AFTER ASSUMING OWNERSHIP OF

1 THE ANIMAL.

2 (II) IF AN OWNER OBTAINS OWNERSHIP OF A DOG OR CAT AT THE
3 TIME THE ANIMAL IS BORN OR WHEN THE ANIMAL IS LESS THAN FOUR
4 MONTHS OLD, THE OWNER SHALL ENSURE THAT THE ANIMAL IS
5 VACCINATED AGAINST RABIES WITHIN NINETY DAYS AFTER THE ANIMAL
6 TURNS FOUR MONTHS OLD.

7 (III) THIS PARAGRAPH (b) DOES NOT LIMIT THE ABILITY OF A
8 BOARD OF HEALTH OF AN ORGANIZED HEALTH DEPARTMENT OR A COUNTY
9 BOARD OF HEALTH TO REQUIRE DOG AND CAT OWNERS TO VACCINATE
10 THEIR DOGS AND CATS WITHIN A SHORTER PERIOD THAN SPECIFIED IN THIS
11 PARAGRAPH (b) AS LONG AS THE REQUIREMENT COMPLIES WITH THE
12 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S
13 RECOMMENDATIONS CONCERNING THE MINIMUM AGE FOR RABIES
14 VACCINATIONS.

15 (c) A LICENSED VETERINARIAN SHALL ADMINISTER THE RABIES
16 VACCINATION TO THE ANIMAL, AND THE VETERINARIAN SHALL
17 ADMINISTER THE VACCINATION IN ACCORDANCE WITH THE VERSION OF
18 THE "COMPENDIUM OF ANIMAL RABIES PREVENTION AND CONTROL",
19 PROMULGATED BY THE NATIONAL ASSOCIATION OF STATE PUBLIC
20 HEALTH VETERINARIANS OR ITS SUCCESSOR ORGANIZATION, THAT IS IN
21 EFFECT AT THE TIME THE VACCINATION IS ADMINISTERED.

22 (d) A VETERINARIAN WHO ADMINISTERS A RABIES VACCINATION
23 TO A DOG OR CAT SHALL PROMPTLY ISSUE TO THE OWNER A RABIES
24 VACCINATION CERTIFICATE AND TAG AND A MEANS FOR ATTACHING THE
25 TAG TO THE ANIMAL'S COLLAR.

26 (e) NOTHING IN THIS SUBSECTION (1) REQUIRES THE OWNER OR
27 LESSEE OF AGRICULTURAL LAND TO ENSURE THAT FERAL CATS THAT ARE

1 LOCATED OR FOUND ON THE AGRICULTURAL LAND ARE VACCINATED
2 AGAINST RABIES UNLESS OTHERWISE REQUIRED BY A COUNTY OR
3 MUNICIPALITY PURSUANT TO SUBSECTION (5) OF THIS SECTION.

4 (f) FOR PURPOSES OF THIS SUBSECTION (1):

5 (I) "AGRICULTURAL LAND" MEANS LAND CLASSIFIED AS
6 AGRICULTURAL LAND, AS DEFINED IN SECTION 39-1-102 (1.6), C.R.S., ON
7 WHICH A FARM, AS DEFINED IN SECTION 39-1-102 (3.5), C.R.S., IS
8 OPERATED.

9 (II) "OWNER" INCLUDES A PET ANIMAL FACILITY, AS DEFINED IN
10 SECTION 35-80-102 (11), C.R.S., THAT HAS OBTAINED OR ASSUMED
11 OWNERSHIP OF A DOG OR CAT.

12 (2) A veterinarian, with the written consent of an animal's owner,
13 may issue a written waiver pursuant to the rules of the health department,
14 exempting an animal from a THE rabies vaccination order REQUIREMENT
15 IN SUBSECTION (1) OF THIS SECTION if the veterinarian, in his or her
16 professional opinion, determines that the rabies inoculation is
17 contraindicated due to the animal's medical condition.

18 (5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
19 SUBSECTION (5), A COUNTY OR MUNICIPALITY MAY ESTABLISH
20 REQUIREMENTS FOR THE IMPLEMENTATION AND ENFORCEMENT OF RABIES
21 CONTROL WITHIN ITS JURISDICTION AS LONG AS THE REQUIREMENTS ARE
22 AT LEAST AS STRINGENT AS THE REQUIREMENTS OF THIS SECTION.

23 (b) A COUNTY OR MUNICIPALITY SHALL NOT REQUIRE
24 REVACCINATION OF AN ANIMAL THAT IS CURRENTLY VACCINATED UNLESS
25 THE VACCINATION IS FOR POST-EXPOSURE TREATMENT OF RABIES.

26 **SECTION 2.** In Colorado Revised Statutes, **repeal** 25-4-608 as
27 follows:

1 **25-4-608. Notice of order requiring inoculation of animals.** The
2 order of a board of health of a health department or a county board of
3 health requiring inoculation of all dogs, cats, other pet animals, or other
4 mammals shall not become effective until twenty-four hours after notice
5 of adoption of the order requiring inoculation of all dogs, cats, other pet
6 animals, or other mammals has been published in a newspaper of general
7 circulation in the county or district.

8 **SECTION 3.** In Colorado Revised Statutes, **repeal** 25-4-609 as
9 follows:

10 **25-4-609. Effect of order requiring inoculation of animals.**
11 Sections 25-4-610 and 25-4-611 shall be in force and effect only in those
12 counties, districts, or portions of counties or districts where an order
13 requiring inoculation of all dogs, cats, other pet animals, or other
14 mammals is in effect.

15 **SECTION 4.** In Colorado Revised Statutes, **amend** 25-4-610 as
16 follows:

17 **25-4-610. Uninoculated animals not to run at large -**
18 **impounding and disposition of animals.** It is unlawful for any THE
19 owner of any A dog OR cat other pet animal, or other mammal which
20 THAT has not been inoculated as required by the order of the county board
21 of health or board of health of a health department SECTION 25-4-607 (1)
22 to allow it THE ANIMAL to run at large. The health department or health
23 officer may capture and impound any such dog, cat, other pet animal or
24 other mammal found running at large. and dispose of such animal in
25 accordance with local program policy. Such THE power to impound and
26 dispose shall extend OF IMPOUNDED ANIMALS EXTENDS to any and all
27 animals unclaimed and found or suspected to be affected by rabies,

1 whether wild or domestic. The division of parks and wildlife AND LAW
2 ENFORCEMENT PERSONNEL shall cooperate with and aid the health
3 department or health officer in ~~the enforcement of~~ ENFORCING this section
4 as it affects animals found or suspected to be affected by rabies when
5 ~~such~~ THE animals are in ~~its~~ THE DIVISION'S OR LAW ENFORCEMENT
6 AGENCY'S care, jurisdiction, or control.

7 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-4-615 as
8 follows:

9 **25-4-615. Further municipal or county restrictions not**
10 **prohibited.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS
11 SECTION, nothing in this part 6 ~~shall be construed to limit~~ LIMITS the
12 power of ~~any~~ A municipality OR COUNTY within this state to:

13 (a) Prohibit dogs from running at large, REGARDLESS OF whether
14 ~~or not~~ they have been inoculated as provided in this part 6; ~~and nothing~~
15 ~~in this part 6 shall be construed to limit the power of any municipality to~~
16 OR

17 (b) Regulate and control, and ~~to~~ enforce other and additional
18 measures for the restriction and control of, rabies.

19 (2) ~~Notwithstanding subsection (1) of this section,~~ A municipality
20 OR COUNTY shall not:

21 (a) Require a ~~dog, cat, or ferret~~ PET ANIMAL to be inoculated
22 against rabies any more frequently than is recommended in the CURRENT
23 VERSION OF THE "Compendium of Animal Rabies PREVENTION AND
24 Control" as promulgated by the National Association of State Public
25 Health Veterinarians ~~and~~ OR ITS SUCCESSOR ORGANIZATION; OR

26 (b) RESTRICT THE ABILITY OF a veterinarian ~~may~~ TO issue a written
27 waiver exempting an animal from a rabies vaccination order OR

1 MANDATORY RABIES VACCINATION REQUIREMENT as provided in section
2 25-4-607.

3 **SECTION 6. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.