

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-0997.01 Jane Ritter x4342

HOUSE BILL 17-1228

HOUSE SPONSORSHIP

Pabon and Landgraf,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs and Labor
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "HOME-BASED PET ANIMAL**
102 **CARE TECHNOLOGY PLATFORM ACT".**

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>.)

The bill creates the "Home-based Pet Animal Care Technology Platform Act". A "pet animal care technology platform" (pet platform) is defined as a corporation or other corporate entity, operating in Colorado, that uses a digital network to connect pet animal caregivers to pet animal owners for the purpose of providing home-based pet animal services, such as boarding, day care, housesitting, drop-in visits, training,

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.*

transportation, and walking. Pet platforms are required to obtain a permit to operate from the department of agriculture (department) before beginning operations. Pet platforms are required to carry specified amounts of insurance coverage and pay a fee to the department, as determined by department rule. Before allowing a person to act as a pet animal caregiver through the pet platform, the pet platform shall confirm that the person is 18 years of age or older and shall confirm that the person has never been convicted of or pled guilty or nolo contendere to any felony offense involving animals. The pet animal care technology platform fund is created.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 82 to title
3 35 as follows:

4 **ARTICLE 82**

5 **Home-based Pet Animal Care Technology Platforms**

6 **35-82-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 82 IS
7 THE "HOME-BASED PET ANIMAL CARE TECHNOLOGY PLATFORM ACT".

8 **35-82-102. Definitions.** AS USED IN THIS ARTICLE 82, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE,
11 ESTABLISHED PURSUANT TO ARTICLE 1 OF THIS TITLE 35.

12 (2) "HOME-BASED PET ANIMAL SERVICES" MEANS THE PROVISION
13 OF HOME-BASED PET ANIMAL SERVICES, INCLUDING BOARDING, DAY CARE,
14 HOUSESITTING, DROP-IN VISITS, TRAINING, TRANSPORTATION, AND
15 WALKING.

16 (3) "PET ANIMAL" MEANS A DOG, CAT, RABBIT, GUINEA PIG,
17 HAMSTER, MOUSE, RAT, GERBIL, FERRET, BIRD, FISH, REPTILE, AMPHIBIAN,
18 OR INVERTEBRATE, OR ANY OTHER SPECIES OF WILD OR DOMESTIC OR
19 HYBRID ANIMAL SOLD, TRANSFERRED, OR RETAINED FOR THE PURPOSE OF
20 BEING KEPT AS A HOUSEHOLD PET, EXCEPT LIVESTOCK, AS DEFINED IN

1 SECTION 35-80-102 (9). "PET ANIMAL" DOES NOT INCLUDE AN ANIMAL
2 THAT IS USED FOR WORKING PURPOSES ON A FARM OR RANCH.

3 (4) "PET ANIMAL CARE TECHNOLOGY PLATFORM" MEANS A
4 CORPORATION OR OTHER CORPORATE ENTITY, REGISTERED TO OPERATE IN
5 COLORADO, THAT USES A DIGITAL NETWORK TO CONNECT PET ANIMAL
6 CAREGIVERS TO PET ANIMAL OWNERS FOR THE PURPOSE OF PROVIDING
7 HOME-BASED PET ANIMAL SERVICES, SUCH AS BOARDING, DAY CARE,
8 HOUSESITTING, DROP-IN VISITS, TRAINING, TRANSPORTATION, AND
9 WALKING.

10 (5) "PET ANIMAL CAREGIVER" MEANS AN INDIVIDUAL WHO USES
11 HIS OR HER PRIMARY RESIDENCE OR THE PRIMARY RESIDENCE OF A PET
12 ANIMAL OWNER WITH WHOM THE PET ANIMAL CAREGIVER WAS
13 CONNECTED THROUGH A PET ANIMAL CARE TECHNOLOGY PLATFORM FOR
14 THE PURPOSE OF PROVIDING HOME-BASED PET ANIMAL SERVICES FOR
15 COMPENSATION IN THE PET ANIMAL OWNER'S ABSENCE OR PRESENCE. A
16 PET ANIMAL CAREGIVER NEED NOT BE AN EMPLOYEE OF A PET ANIMAL
17 CARE TECHNOLOGY PLATFORM.

18 (6) "PET ANIMAL OWNER" MEANS THE OWNER OF A PET ANIMAL
19 FOR WHOM HOME-BASED PET ANIMAL SERVICES ARE PROVIDED BY A PET
20 ANIMAL CAREGIVER WITH WHOM THE PET ANIMAL OWNER WAS
21 CONNECTED THROUGH A PET ANIMAL CARE TECHNOLOGY PLATFORM.

22 **35-82-103. Limited regulation.** NOTWITHSTANDING ANY OTHER
23 PROVISION OF LAW TO THE CONTRARY, A PET ANIMAL CARE TECHNOLOGY
24 PLATFORM IS GOVERNED EXCLUSIVELY BY THIS ARTICLE 82. A PET ANIMAL
25 CARE TECHNOLOGY PLATFORM IS NOT SUBJECT TO ARTICLE 80 OF THIS
26 TITLE 35.

27 **35-82-104. Permits - insurance - rules.** (1) A CORPORATION OR

1 A CORPORATE ENTITY SHALL NOT OPERATE A PET ANIMAL CARE
2 TECHNOLOGY PLATFORM IN COLORADO WITHOUT OBTAINING A PERMIT
3 FROM THE DEPARTMENT.

4 (2) THE DEPARTMENT SHALL ISSUE A PERMIT TO A PET ANIMAL
5 CARE TECHNOLOGY PLATFORM THAT MEETS THE REQUIREMENTS OF THIS
6 ARTICLE 82 AND THAT PAYS THE ANNUAL PERMIT FEE ESTABLISHED AND
7 ADJUSTED BY RULE OF THE DEPARTMENT.

8 (3) (a) A PET ANIMAL CARE TECHNOLOGY PLATFORM SHALL FILE
9 WITH THE DEPARTMENT APPROPRIATE DOCUMENTATION TO SHOW THAT
10 THE PET ANIMAL CARE TECHNOLOGY PLATFORM OR THE PET ANIMAL
11 CAREGIVER HAS SECURED INSURANCE COVERAGE AS FOLLOWS:

12 (I) TWENTY-FIVE THOUSAND DOLLARS PER INCIDENT;

13 (II) GENERAL LIABILITY INSURANCE OF UP TO TWO MILLION
14 DOLLARS PER OCCURRENCE AND THREE MILLION DOLLARS GENERAL
15 AGGREGATE; AND

16 (III) PROFESSIONAL LIABILITY INSURANCE OF UP TO ONE MILLION
17 DOLLARS PER OCCURRENCE AND UP TO ONE MILLION DOLLARS GENERAL
18 AGGREGATE.

19 (b) THE INSURANCE POLICY, SURETY BOND, OR SELF INSURANCE
20 MUST PROVIDE COVERAGE AT ALL TIMES THAT THE PET ANIMAL
21 CAREGIVER IS ENGAGED IN PROVIDING HOME-BASED PET ANIMAL
22 SERVICES, IRRESPECTIVE OF THE ABSENCE OR PRESENCE OF THE PET
23 ANIMAL OWNER.

24 (4) THE DEPARTMENT MAY PROMULGATE RULES AS NECESSARY
25 CONCERNING THE ADMINISTRATION, FEES, AND SAFETY REQUIREMENTS
26 RELATED TO THIS ARTICLE 82.

27 **35-82-105. Operational requirements.** (1) BEFORE PERMITTING

1 A PERSON TO ACT AS A PET ANIMAL CAREGIVER ON ITS PET ANIMAL CARE
2 TECHNOLOGY PLATFORM, A PET ANIMAL CARE TECHNOLOGY PLATFORM
3 SHALL CONFIRM THAT THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE
4 OR OLDER AND SHALL CONFIRM THAT THE PERSON HAS NEVER BEEN
5 CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO:

6 (a) CRUELTY TO ANIMALS PURSUANT TO SECTION 18-9-202 (1)(a)
7 OR (1.5)(a) OR ANY SIMILAR STATUTE OF ANY OTHER STATE;

8 (b) ANIMAL FIGHTING PURSUANT TO SECTION 18-9-204, OR ANY
9 SIMILAR STATUTE OF ANY OTHER STATE;

10 (c) AGGRAVATED CRUELTY TO ANIMALS PURSUANT TO SECTION
11 18-9-202 (1.5)(b), OR ANY SIMILAR STATUTE OF ANY OTHER STATE; OR

12 (d) A SECOND OR SUBSEQUENT CONVICTION OF CRUELTY TO
13 ANIMALS PURSUANT TO SECTION 18-9-202 (1)(a) OR (1.5)(a), OR ANY
14 SIMILAR STATUTE OF ANY OTHER STATE.

15 (2) A PET ANIMAL CARE TECHNOLOGY PLATFORM SHALL PROVIDE
16 PET ANIMAL CAREGIVERS WITH ACCESS TO ON-CALL VETERINARIANS OR
17 OTHER PET CARE PROFESSIONALS.

18 (3) A PET ANIMAL CAREGIVER SHALL NOT PROVIDE HOME-BASED
19 PET ANIMAL SERVICES UNLESS HE OR SHE IS CONNECTED TO A PET ANIMAL
20 OWNER THROUGH A PET ANIMAL CARE TECHNOLOGY PLATFORM AND
21 SHALL NOT PROVIDE HOME-BASED PET ANIMAL SERVICES TO MORE THAN
22 THREE PET ANIMALS IN HIS OR HER HOME AT ANY ONE TIME.

23 **35-82-106. Fees - home-based pet animal care technology**
24 **platform fund.** (1) THE PET ANIMAL CARE TECHNOLOGY PLATFORM
25 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE
26 STATE TREASURY. THE FUND CONSISTS OF FEES COLLECTED BY THE
27 DEPARTMENT PURSUANT TO SECTION 35-82-104 AND CRED-ITED TO THE

1 FUND AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
2 APPROPRIATE OR TRANSFER TO THE FUND.

3 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
5 FUND TO THE FUND.

6 (3) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
7 UNENCUMBERED MONEY REMAINING IN FUND THE AT THE END OF A FISCAL
8 YEAR TO THE FUND.

9 (4) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED BY THE
10 GENERAL ASSEMBLY TO THE DEPARTMENT, WHICH MAY EXPEND MONEY
11 FROM THE FUND FOR ADMINISTRATIVE FEES RELATED TO THE
12 IMPLEMENTATION OF THIS ACT.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.