HOUSE BILL 20-1084

A BILL FOR AN ACT

CONCERNING REQUIREMENTS FOR PERSONS WHO SELL CERTAIN PET ANIMALS.

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 "Humane Pet Act", which:

! Establishes standards for the care and treatment of dogs and cats by dog breeders and cat breeders;
! Prohibits the sale of a dog or cat in a public place by any person; and
! Prohibits the sale of dogs and cats by pet stores.
Be it enacted by the General Assembly of the State of Colorado:

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

(a) Dogs and cats are among the most popular pet animals in the United States;

(b) Pet dogs and cats provide more than companionship. They provide unconditional love; teach empathy, confidence, and responsibility; promote socialization and exercise; protect their families; and have an overall positive effect on the physical, psychological, and emotional health of their human owners and companions.

(c) Many Coloradans cherish their dogs and cats and consider them to be members of their families;

(d) There is a nationwide epidemic of the sale and purchase of dogs and cats that come from high-volume commercial breeding establishments, commonly referred to as "puppy mills" and "kitten mills";

(e) The documented abuses endemic to puppy and kitten mills include overbreeding; inbreeding; minimal veterinary care; lack of adequate and uncontaminated food and water; lack of socialization, exercise, and enrichment; poor sanitation; confinement in cramped, unsanitary cages; and exposure to extreme temperatures;

(f) As a result of overbreeding, a lack of genetic testing, a lack of proper veterinary care, overcrowding, and other substandard conditions at breeding facilities, during transport, and in some cases at pet stores, dogs and cats born in puppy and kitten mills often have health issues that affect both the animals and the families they end up with, including parasites; respiratory issues; infectious diseases; and skin, eye, ear,
neurological, and skeletal disorders;

(g) As a result of being taken from their mothers very early, a lack of socialization with humans and other dogs or cats, and stressful transport and handling, dogs and cats born in puppy and kitten mills often have behavioral and psychological issues including fearful behavior, aggression, and a wide range of abnormal behaviors including phobias, spinning, and pacing;

(h) According to the federal centers for disease control and prevention, puppies from commercial breeders and brokers, especially those puppies sold in pet stores, can pose a health risk to consumers, as when more than one hundred Americans were sickened with an antibiotic-resistant campylobacter infection from contact with pet store puppies;

(i) To adequately protect dogs, cats, and consumers from puppy and kitten mills and their sales outlets, it is necessary and appropriate to improve the standards of care that dog breeders and cat breeders must provide to their animals, limit the number of dogs or cats that each breeder may house, ensure that all breeders selling to consumers meet these improved standards, prohibit outdoor sales of dogs and cats, prohibit pet stores from selling dogs and cats, and prohibit animal shelters and pet animal rescues from buying dogs or cats from breeders;

(j) Colorado's "Pet Animal Care and Facilities Act" (PACFA), article 80 of title 35, Colorado Revised Statutes, and rules promulgated in accordance with PACFA, allow dog breeders and cat breeders to house and maintain an unlimited number of animals, house dogs and cats in enclosures with wire flooring, stack enclosures on top of each other, deny dogs exercise, breed dogs and cats at any frequency and as many times as
they choose, breed unhealthy dogs, and discard unwanted breeding dogs without any effort to re-home them. Addressing these gaps in current law will greatly improve the quality of life for breeding dogs and cats and their offspring and bring Colorado in line with strong commercial breeding laws in other states.

(k) Prohibiting the sale of dogs and cats in flea markets, parking lots, and other outdoor venues is likely to decrease the demand for animals bred in puppy and kitten mills; decrease the likelihood that dogs and cats will be exposed to extreme temperatures, severely confined, and mishandled by sellers and prospective buyers while offered for sale; decrease the potential spread of infectious diseases; and decrease the likelihood that consumers will be unable to track down sellers after purchases and end up with sick and behaviorally challenged dogs and cats;

(l) Prohibiting the sale of dogs and cats in pet stores is likely to:

(I) Decrease the demand for dogs and cats bred in puppy and kitten mills;

(II) Protect dogs and cats from being mistreated and exposed to illness during transport and while at a pet store; and

(III) Protect consumers from being duped into supporting puppy and kitten mills with misleading sales pitches, spending hundreds or thousands of dollars on a new pet based on false health and behavior guarantees, spending large sums of money caring for sick pets from which they may contract infections, and falling prey to lending schemes;

(m) Prohibiting shelters and rescues from buying dogs and cats from breeders, brokers, and auctions will prevent well-intentioned, legitimate shelters and rescues from providing financial support to puppy
and kitten mills by purchasing dogs and cats from them, thus continuing the cycle of cruelty, and it will make it more difficult for ill-intentioned, bad actors to purchase dogs and cats from breeders and resell them under the guise of a shelter or rescue;

(n) This act will not affect a consumer's ability to obtain a dog or cat of the consumer's choosing from an animal shelter, a pet animal rescue, a licensed breeder that meets the increased standards of care, or a small-scale, responsible breeder;

(o) This act places reasonable restrictions on persons who breed, sell, and handle animals. The vast majority of pet stores are already in compliance with the requirements of this act, as they do not sell dogs or cats, and pet stores that sell dogs and cats can convert to a new model that relies on products, services, and hosting adoption events to attract consumers. Breeders that treat their dogs and cats humanely will already be in compliance with the requirements of this act, and other breeders will have ample time to update their facilities to ensure the health of their animals and provide better care.

(p) It is necessary and appropriate to protect the health, safety, and welfare of consumers, dogs, and cats from the harmful effects of the practices that occur at commercial breeding establishments by establishing the "Humane Pet Act".

SECTION 2. In Colorado Revised Statutes, 35-80-102, add (9.3), (11.3), and (11.7) as follows:

35-80-102. Definitions. As used in this article 80, unless the context otherwise requires:

(9.3) "Offer for Sale" means to advertise the sale of a dog or cat. "Offer for Sale" includes the display of a live dog or cat
FOR SALE AND INCLUDES A VERBAL OR WRITTEN OFFER TO SELL A DOG OR CAT.

(11.3) "PET STORE" MEANS A RETAIL ESTABLISHMENT WHERE PET ANIMALS ARE SOLD OR OFFERED FOR SALE TO THE GENERAL PUBLIC. "PET STORE" DOES NOT INCLUDE AN ANIMAL SHELTER, PET ANIMAL RESCUE, CAT BREEDER, OR DOG BREEDER.

(11.7) "SALE" MEANS THE EXCHANGE OF A DOG OR CAT FOR ANYTHING OF VALUE, INCLUDING PROPERTY OR MONEY. "SALE" DOES NOT INCLUDE AN ADOPTION TRANSACTION BETWEEN AN ANIMAL SHELTER OR PET ANIMAL RESCUE AND A PERSON WHO ADOPTS A PET ANIMAL.

SECTION 3. In Colorado Revised Statutes, add 35-80-108.5 as follows:

35-80-108.5. Dog breeders and cat breeders - prohibited sales and purchases of dogs or cats - short title. (1) The short title of this section is the "HUMANE PET ACT".

(2) A DOG BREEDER OR CAT BREEDER SHALL NOT:

(a) KEEP, HOUSE, OR MAINTAIN MORE THAN TWENTY-FIVE DOGS OR CATS, OR ANY COMBINATION OF MORE THAN TWENTY-FIVE DOGS AND CATS, THAT ARE MORE THAN SIX MONTHS OF AGE AND HAVE NOT UNDERGONE STERILIZATION;

(b) HOUSE A DOG OR CAT IN AN ENCLOSURE:

(I) WITH WIRE OR NONSOLID FLOORING;

(II) THAT IS STACKED ON TOP OF ANOTHER ENCLOSURE; OR

(III) THAT IS SUSPENDED FROM THE CEILING;

(c) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(c)(II) OF THIS SECTION, DENY A DOG OR CAT AN OPPORTUNITY TO EXERCISE FOR AT LEAST THIRTY MINUTES EACH DAY IN A SPACE THAT IS LARGE ENOUGH FOR
THE DOG OR CAT TO RUN, PLAY, AND ENGAGE IN MENTALLY STIMULATING
AND SOCIAL BEHAVIORS.

(II) THE REQUIREMENTS IN SUBSECTION (2)(c)(I) OF THIS SECTION
DO NOT APPLY TO A DOG OR CAT FOR THE DURATION IN WHICH A LICENSED
VETERINARIAN HAS DECLARED AND DOCUMENTED THAT THE DOG OR CAT
WOULD BE NEGATIVELY AFFECTED BY EXERCISE FOR A SPECIFIC MEDICAL
REASON.

(d) BREED A FEMALE DOG OR CAT MORE THAN ONCE PER
CALENDAR YEAR OR MORE THAN SIX TIMES IN THE LIFETIME OF THE DOG
OR CAT;

(e) BREED A DOG OR CAT WITHOUT SCREENING FOR INHERITABLE
DISORDERS THAT ARE COMMON OR PREVALENT IN THE BREED, OR BREED
A DOG OR CAT WITHOUT DOCUMENTATION FROM A LICENSED
VETERINARIAN THAT THE DOG OR CAT IS IN SUITABLE HEALTH FOR
BREEDING AND FREE FROM HEALTH CONDITIONS THAT WOULD
SIGNIFICANTLY AFFECT THE DOG OR CAT OR THE DOG'S OR CAT'S
OFFSPRING; OR

(f) FAIL TO MAKE REASONABLE, GOOD-FAITH EFFORTS TO PLACE
EACH ADULT DOG AND CAT THAT THE BREEDER NO LONGER WISHES TO
RETAIN WITH AN ADOPTIVE FAMILY, ANIMAL SHELTER, PET ANIMAL
RESCUE, OR OTHER OWNER WHO IS NOT A BREEDER OR INTENDING TO SELL
THE DOG OR CAT AT AN AUCTION, UNLESS A LICENSED VETERINARIAN
DETERMINES AND DOCUMENTS THAT THE DOG OR CAT IS SICK OR INJURED
TO THE EXTENT OF REQUIRING EUTHANASIA. IF EUTHANASIA IS REQUIRED,
THE DOG BREEDER OR CAT BREEDER SHALL ENSURE THAT THE EUTHANASIA
IS PERFORMED BY A LICENSED VETERINARIAN IN A MANNER THAT
COMPORTS WITH SECTION 35-80-102 (7).
(3) A DOG BREEDER, CAT BREEDER, OR PERSON WHO RESELLS DOGS OR CATS FROM A BREEDER SHALL NOT OFFER FOR SALE OR SELL A DOG OR CAT TO A CONSUMER UNLESS THE DOG OR CAT ORIGINATED FROM A BREEDER THAT COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION AND ANY CORRESPONDING RULES PROMULGATED BY THE COMMISSIONER. THE PROHIBITION IN THIS SUBSECTION (3) INCLUDES AN OFFER FOR SALE OVER THE INTERNET.

(4) A PERSON SHALL NOT OFFER FOR SALE OR SELL A DOG OR CAT ON A ROADSIDE, PUBLIC RIGHT-OF-WAY, PARKWAY, OR MEDIAN; AT A PARK OR RECREATION AREA; AT A FLEA MARKET OR OTHER OUTDOOR MARKET; OR AT A COMMERCIAL OR RETAIL PARKING LOT. THIS SUBSECTION (4) DOES NOT PROHIBIT THE DISPLAY OR ADOPTION OF DOGS OR CATS BY AN ANIMAL SHELTER OR PET ANIMAL RESCUE.

(5) (a) EXCEPT AS DESCRIBED ELSEWHERE IN THIS SUBSECTION (5), A PET STORE SHALL NOT SELL OR OFFER FOR SALE A DOG OR CAT.

(b) SUBSECTION (5)(a) OF THIS SECTION DOES NOT PROHIBIT A PET STORE FROM HOSTING AN ADOPTION EVENT OR PROVIDING SPACE FOR THE DISPLAY OF DOGS OR CATS AVAILABLE FOR ADOPTION IF THE PET STORE DOES NOT:

(I) HAVE ANY OWNERSHIP INTEREST IN THE DOG OR CAT AVAILABLE FOR ADOPTION; OR

(II) RECEIVE ANY PAYMENT OR OTHER COMPENSATION FOR HOSTING AN ADOPTION EVENT OR PROVIDING DISPLAY SPACE FOR THE PURPOSE OF ADOPTION.

(6) AN ANIMAL SHELTER OR PET ANIMAL RESCUE SHALL NOT, IN EXCHANGE FOR PAYMENT OR OTHER COMPENSATION, OBTAIN A DOG OR CAT FROM A PERSON WHO IS A DOG BREEDER, IS A CAT BREEDER, RESELLS
DOGS OR CATS FROM A BREEDER, OR SELLS DOGS OR CATS AT AUCTION.

(7) EACH DOG OR CAT SOLD, OFFERED FOR SALE, OR OBTAINED IN VIOLATION OF SUBSECTION (3), (4), (5), OR (6) OF THIS SECTION IS A SEPARATE VIOLATION.

(8) A PERSON SHALL NOT AID OR ABET ANOTHER PERSON AS A DEALER, AGENT, INTERMEDIARY, CONSIGNOR, CONSIGNEE, OR BROKER IN VIOLATION OF THIS SECTION.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2021, 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 the ninety-day period after final adjournment of the general assembly, 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 2020 and, in such case, will take effect January 1, 2021, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.