

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0048.01 Yelana Love x2295

SENATE BILL 20-125

SENATE SPONSORSHIP

Ginal and Zenzinger,

HOUSE SPONSORSHIP

Froelich and Duran,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON THE USE OF EXOTIC ANIMALS IN A
102 TRAVELING ANIMAL 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 "Traveling Exotic Animal Safety Protection Act" (Act), which prohibits the use of exotic animals in a traveling animal act. A person who violates the Act commits a misdemeanor and is subject to a fine of between \$250 and \$1,000 per violation.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 33-1-126 as
3 follows:

4 **33-1-126. Prohibiting exotic animals in a traveling animal act**
5 **- short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE
6 "TRAVELING EXOTIC ANIMAL SAFETY PROTECTION ACT".

7 (2) (a) A PERSON SHALL NOT CAUSE A PERFORMANCE OF, OR
8 ALLOW FOR THE PARTICIPATION OF, AN EXOTIC ANIMAL IN A TRAVELING
9 ANIMAL ACT.

10 (b) THIS SUBSECTION (2) DOES NOT PROHIBIT THE USE OF AN
11 EXOTIC ANIMAL:

12 (I) IN AN EXHIBITION AT A:

13 (A) WILDLIFE SANCTUARY; OR

14 (B) NONMOBILE, PERMANENT INSTITUTION, FACILITY, ZOO, OR
15 AQUARIUM ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS
16 OR THE GLOBAL FEDERATION OF ANIMAL SANCTUARIES, OR ANY
17 SUCCESSOR ORGANIZATIONS;

18 (II) AS PART OF AN ENVIRONMENTAL EDUCATION PROGRAM BY A
19 PERSON THAT: IS ACCREDITED BY THE ASSOCIATION OF ZOOS AND
20 AQUARIUMS OR ITS SUCCESSOR ORGANIZATION; IS PERMITTED BY THE
21 STATE OF COLORADO AS A WILDLIFE REHABILITATOR OR FALCONER; IS
22 CERTIFIED AS AN ENVIRONMENTAL EDUCATOR BY THE COLORADO
23 ALLIANCE FOR ENVIRONMENTAL EDUCATION OR ITS SUCCESSOR
24 ORGANIZATION; OR HOLDS A DEGREE IN ENVIRONMENTAL EDUCATION
25 FROM AN ACCREDITED INSTITUTION OF HIGHER EDUCATION, IN EACH CASE
26 IF:

27 (A) THE EXOTIC ANIMAL IS NOT USED MORE THAN SIX MONTHS IN

1 A CALENDAR YEAR; AND

2 (B) THE EXOTIC ANIMAL IS NOT KEPT IN A MOBILE OR TRAVELING
3 HOUSING FACILITY FOR MORE THAN TWELVE HOURS A DAY; OR

4 (III) BY A UNIVERSITY, COLLEGE, LABORATORY, OR OTHER
5 RESEARCH FACILITY PROPERLY LICENSED OR REGISTERED UNDER THE
6 FEDERAL "ANIMAL WELFARE ACT OF 1970", 7 U.S.C. SEC. 2131 ET SEQ.,
7 AS AMENDED, FOR THE PURPOSE OF CONDUCTING RESEARCH.

8 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
9 MISDEMEANOR AND SHALL BE PUNISHED UPON CONVICTION BY A FINE OF
10 NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN ONE
11 THOUSAND DOLLARS PER VIOLATION.

12 (4) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
13 OTHERWISE REQUIRES:

14 (a) "ALTERNATIVE LIVESTOCK" HAS THE SAME MEANING AS SET
15 FORTH IN SECTION 35-41.5-102 (1).

16 (b) "CAUSE A PERFORMANCE" MEANS TO BE RESPONSIBLE FOR A
17 PERFORMANCE, TO FINANCIALLY BENEFIT AS AN OWNER OR OPERATOR
18 FROM A PERFORMANCE, TO FINANCIALLY BENEFIT A PERSON WHO OWNS OR
19 CONTROLS A PROPERTY USED FOR A PERFORMANCE, OR TO USE ANY MEANS
20 OF COMMUNICATION FOR THE PURPOSE OF PROMOTING A PERFORMANCE ON
21 BEHALF OF THE OWNER OR OPERATOR OF A PERFORMANCE OR THE VENUE
22 FOR THE PERFORMANCE.

23 (c) "ENVIRONMENTAL EDUCATION PROGRAM" MEANS AN ANIMAL
24 EXHIBITION THAT:

25 (I) IS DESIGNED BY A PROFESSIONAL TO IMPART KNOWLEDGE OR
26 INFORMATION FOR EDUCATIONAL OR CONSERVATION PURPOSES ABOUT
27 THAT ANIMAL'S NATURAL BEHAVIOR, HABITAT, LIFE CYCLE, OR SIMILAR

1 PEDAGOGICAL INFORMATION;

2 (II) IS CONDUCTED BY AN INDIVIDUAL QUALIFIED TO IMPART SUCH

3 INFORMATION; AND

4 (III) DOES NOT INCLUDE ANY PERFORMANCE OF BEHAVIOR THAT

5 DOES NOT NATURALLY OCCUR FOR THAT ANIMAL IN THE WILD STATE.

6 (d) (I) "EXOTIC ANIMAL" MEANS ANY ANIMAL THAT:

7 (A) IS NOT A PET ANIMAL, LIVESTOCK, OR ALTERNATIVE

8 LIVESTOCK;

9 (B) IS NATIVE TO A FOREIGN COUNTRY OR OF FOREIGN ORIGIN OR

10 CHARACTER; AND

11 (C) IS NOT NATIVE TO COLORADO OR WAS INTRODUCED FROM

12 ABROAD, WHETHER WILD-BORNE OR CAPTIVE-BRED.

13 (II) "EXOTIC ANIMAL" INCLUDES A HYBRID OF AN ANIMAL

14 IDENTIFIED IN SUBSECTION (4)(d)(I) OF THIS SECTION, INCLUDING HYBRID

15 CROSSES WITH A PET ANIMAL, LIVESTOCK, OR ALTERNATIVE LIVESTOCK.

16 (III) "EXOTIC ANIMAL" INCLUDES:

17 (A) CETARTIODACTYLA OTHER THAN BISON, CATTLE, DEER, ELK,

18 GOATS, REINDEER, SWINE, AND SHEEP;

19 (B) FELIDAE OTHER THAN DOMESTIC CATS;

20 (C) WILD CANIDAE OTHER THAN DOMESTIC DOGS;

21 (D) MARSUPIALIA;

22 (E) NONHUMAN PRIMATES;

23 (F) PERISSODACTYLA OTHER THAN HORSES, DONKEYS, AND MULES;

24 (G) PINNIPEDIA;

25 (H) PROBOSCIDEA;

26 (I) RATITES;

27 (J) SPHENISCIDAE; AND

1 (K) URSIDAE.

2 (e) "LIVESTOCK" HAS THE SAME MEANING AS SET FORTH IN
3 SECTION 35-80-102 (9).

4 (f) "MOBILE OR TRAVELING HOUSING FACILITY" MEANS A VEHICLE
5 USED TO TRANSPORT OR HOUSE EXOTIC ANIMALS WHILE TRAVELING TO,
6 FROM, OR BETWEEN LOCATIONS FOR PERFORMANCE PURPOSES.

7 (g) "PERFORMANCE" MEANS ANY ANIMAL ACT, CIRCUS, RIDE,
8 CARNIVAL, PARADE, RACE, PERFORMANCE, OR SIMILAR UNDERTAKING IN
9 WHICH EXOTIC ANIMALS ARE:

10 (I) REQUIRED TO PERFORM TRICKS, GIVE RIDES, OR PARTICIPATE AS
11 ACCOMPANIMENTS FOR THE ENTERTAINMENT, AMUSEMENT, OR BENEFIT
12 OF AN AUDIENCE; OR

13 (II) USED PRIMARILY FOR PHOTOGRAPHIC PURPOSES.

14 (h) (I) "PET ANIMAL" HAS THE SAME MEANING AS SET FORTH IN
15 SECTION 35-80-102 (10).

16 (II) "PET ANIMAL" DOES NOT INCLUDE AN EXOTIC ANIMAL.

17 (i) "TRAVELING ANIMAL ACT" MEANS ANY PERFORMANCE OF
18 EXOTIC ANIMALS WHERE THE ANIMALS ARE TRANSPORTED TO, FROM, OR
19 BETWEEN LOCATIONS FOR THE PURPOSE OF THE PERFORMANCE IN A
20 MOBILE OR TRAVELING HOUSING FACILITY.

21 **SECTION 2. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect July 1, 2021; except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within the ninety-day period after final adjournment of the general
26 assembly, then the act, item, section, or part will not take effect unless
27 approved by the people at the general election to be held in November

1 2020 and, in such case, will take effect July 1, 2021, or on the date of the
2 official declaration of the vote thereon by the governor, whichever is
3 later.

4 (2) This act applies to offenses committed on or after the
5 applicable effective date of this act.