

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

INTRODUCED

LLS NO. 21-0092.01 Yelana Love x2295

SENATE BILL 21-135

SENATE SPONSORSHIP

Ginal and Zenzinger,

HOUSE SPONSORSHIP

Duran and Froelich,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON THE USE OF CERTAIN 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 Animal Protection Act" (Act), which prohibits the use of certain animals in a traveling animal act. A person who violates the Act commits a misdemeanor and is subject to a fine ranging from \$250 to \$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 certain animals in a traveling animal act**
5 **- short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE
6 "TRAVELING ANIMAL PROTECTION ACT".

7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "CAUSE A PERFORMANCE" MEANS TO ALLOW FOR THE
10 PARTICIPATION OF AN ANIMAL IN A PERFORMANCE, TO BE RESPONSIBLE
11 FOR A PERFORMANCE, TO FINANCIALLY BENEFIT AS AN OWNER OR
12 OPERATOR FROM A PERFORMANCE, TO FINANCIALLY BENEFIT AS A PERSON
13 WHO OWNS OR CONTROLS A PROPERTY USED FOR A PERFORMANCE, OR TO
14 USE ANY MEANS OF COMMUNICATION FOR THE PURPOSE OF PROMOTING A
15 PERFORMANCE ON BEHALF OF THE OWNER OR OPERATOR OF A
16 PERFORMANCE OR THE VENUE FOR A PERFORMANCE.

17 (b) "ENVIRONMENTAL EDUCATION PROGRAM" MEANS AN ANIMAL
18 EXHIBITION THAT:

19 (I) IS DESIGNED BY A PROFESSIONAL TO IMPART KNOWLEDGE OR
20 INFORMATION FOR EDUCATIONAL OR CONSERVATION PURPOSES ABOUT
21 ONE OR MORE ANIMALS' NATURAL BEHAVIOR, HABITAT, LIFE CYCLE, OR
22 SIMILAR PEDAGOGICAL INFORMATION;

23 (II) IS CONDUCTED BY AN INDIVIDUAL QUALIFIED TO IMPART SUCH
24 INFORMATION; AND

25 (III) DOES NOT INCLUDE ANY PERFORMANCE OF BEHAVIOR BY AN
26 ANIMAL THAT DOES NOT NATURALLY OCCUR FOR THAT ANIMAL IN THE
27 WILD STATE, EXCEPT FOR INDUSTRY-STANDARD HUSBANDRY PRACTICES

1 FOR VETERINARY PURPOSES.

2 (c) "PERFORMANCE" MEANS ANY ANIMAL ACT, CIRCUS, RIDE,
3 CARNIVAL, PARADE, RACE, PERFORMANCE, OR SIMILAR UNDERTAKING IN
4 WHICH ANIMALS ARE:

5 (I) REQUIRED TO PERFORM TRICKS, GIVE RIDES, OR PARTICIPATE AS
6 ACCOMPANIMENTS FOR THE ENTERTAINMENT, AMUSEMENT, OR BENEFIT
7 OF AN AUDIENCE; OR

8 (II) USED PRIMARILY FOR PHOTOGRAPHIC PURPOSES.

9 (d) "TRAVELING ANIMAL ACT" MEANS ANY PERFORMANCE OF AN
10 ANIMAL WHERE THE ANIMAL IS TRANSPORTED TO, FROM, OR BETWEEN
11 LOCATIONS FOR THE PURPOSE OF THE PERFORMANCE.

12 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A
13 PERSON SHALL NOT CAUSE A PERFORMANCE OF THE FOLLOWING ANIMALS,
14 INCLUDING HYBRIDS OF THE FOLLOWING ANIMALS, WHETHER WILD-BORNE
15 OR CAPTIVE-BRED, IN A TRAVELING ANIMAL ACT:

16 (a) CETARTIODACTYLA OTHER THAN BISON, CATTLE, DEER, ELK,
17 GOATS, REINDEER, SWINE, AND SHEEP;

18 (b) FELIDAE OTHER THAN DOMESTIC CATS;

19 (c) WILD CANIDAE OTHER THAN DOMESTIC DOGS;

20 (d) MARSUPIALIA;

21 (e) NONHUMAN PRIMATES;

22 (f) PERISSODACTYLA OTHER THAN HORSES, DONKEYS, AND MULES;

23 (g) PINNIPEDIA;

24 (h) PROBOSCIDEA;

25 (i) RATITES;

26 (j) SPHENISCIDAE; AND

27 (k) URSIDAE.

1 (4) THIS SECTION DOES NOT PROHIBIT THE USE OF AN ANIMAL
2 SPECIFIED IN SUBSECTION (3) OF THIS SECTION:

3 (a) IN AN EXHIBITION AT A:

4 (I) WILDLIFE SANCTUARY; OR

5 (II) NONMOBILE, PERMANENT INSTITUTION, FACILITY, ZOO, OR
6 AQUARIUM ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS
7 OR THE GLOBAL FEDERATION OF ANIMAL SANCTUARIES, OR ANY
8 SUCCESSOR ORGANIZATIONS;

9 (b) IF THE ANIMAL IS LIVESTOCK, AS DEFINED IN SECTION
10 35-80-102 (9), OR ALTERNATIVE LIVESTOCK, AS DEFINED IN SECTION
11 35-41.5-102 (1);

12 (c) AS PART OF AN ENVIRONMENTAL EDUCATION PROGRAM IF:

13 (I) THE ANIMAL IS NOT USED MORE THAN SIX MONTHS IN A
14 CALENDAR YEAR; AND

15 (II) THE ANIMAL IS NOT KEPT IN A VEHICLE FOR MORE THAN
16 TWELVE HOURS PER DAY, WHEN THE VEHICLE IS USED TO TRANSPORT OR
17 HOUSE THE ANIMAL WHILE TRAVELING TO, FROM, OR BETWEEN LOCATIONS
18 FOR PERFORMANCE PURPOSES; OR

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

23 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
24 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY
25 A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE
26 THAN ONE THOUSAND DOLLARS PER VIOLATION.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.