

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0659.01 Clare Haffner x6137

SENATE BILL 24-045

SENATE SPONSORSHIP

Liston, Roberts

HOUSE SPONSORSHIP

Rutinel and Taggart,

Senate Committees

Agriculture & Natural Resources

House Committees

Agriculture, Water & Natural Resources

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE EXEMPTIONS FROM THE**
102 **STERILIZATION REQUIREMENT UNDER THE "PET ANIMAL CARE**
103 **AND FACILITIES 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 "Pet Animal Care and Facilities Act" prohibits any animal shelter or pet animal rescue (facility) from releasing a dog or cat to a prospective owner unless the animal has been sterilized, except in cases in which sterilization would jeopardize the life or health of the dog or cat. A facility in an area with limited access to licensed veterinarians may be

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

HOUSE
Amended 2nd Reading
February 28, 2024

SENATE
3rd Reading Unamended
February 7, 2024

SENATE
2nd Reading Unamended
February 6, 2024

granted an exemption from the sterilization requirement by the commissioner of agriculture (commissioner). The bill:

- Removes the exemption from the sterilization requirement due to the health of the animal; and
- Prohibits facilities that import unsterilized dogs or cats into the state of Colorado from receiving an exemption from the commissioner.

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-80-106.4, **amend**
3 (2) and (3)(e); and **add** (2.3) and (2.5) as follows:

4 **35-80-106.4. Sterilization of ownerless dogs and cats required**
5 **- rules - exceptions - violations.** (2) If a licensed veterinarian declares
6 in writing that a sterilization procedure could jeopardize the life ~~or health~~
7 of the dog or cat, the procedure may be delayed until such time that a
8 veterinarian determines that the dog or cat is fit to undergo the
9 sterilization procedure. At such time, the prospective owner shall have the
10 animal sterilized. If the determination of unfitness for sterilization has
11 been made prior to release, the animal shelter or pet animal rescue may
12 release the dog or cat to the prospective owner, subject to ~~the provisions~~
13 ~~of~~ this subsection (2).

14 (2.3) (a) FOR AN ANIMAL BORN IN COLORADO, IF A LICENSED
15 VETERINARIAN DECLARES IN WRITING THAT A STERILIZATION PROCEDURE
16 COULD JEOPARDIZE THE HEALTH OF THE DOG OR CAT, THE PROCEDURE
17 MAY BE DELAYED UNTIL SUCH TIME THAT A VETERINARIAN DETERMINES
18 THAT THE DOG OR CAT IS FIT TO UNDERGO THE STERILIZATION PROCEDURE.
19 AT SUCH TIME, THE PROSPECTIVE OWNER SHALL HAVE THE ANIMAL
20 STERILIZED. IF THE DETERMINATION OF UNFITNESS FOR STERILIZATION HAS
21 BEEN MADE PRIOR TO RELEASE, THE ANIMAL SHELTER OR PET ANIMAL
22 RESCUE MAY RELEASE THE DOG OR CAT TO THE PROSPECTIVE OWNER,

1 SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (2.3).

2 (b) IF A VETERINARIAN LICENSED IN COLORADO DECLARES IN
3 WRITING THAT A STERILIZATION PROCEDURE IS LIKELY TO CAUSE A
4 SECONDARY ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL CONDITION THAT
5 INVOLVES INPATIENT CARE OR ONGOING OUTPATIENT TREATMENT, THE
6 PROCEDURE MAY BE DELAYED UNTIL SUCH TIME THAT A VETERINARIAN
7 DETERMINES THAT THE DOG OR CAT IS FIT TO UNDERGO THE STERILIZATION
8 PROCEDURE. IF THE DETERMINATION OF UNFITNESS FOR STERILIZATION
9 DUE TO JEOPARDIZING THE HEALTH OF THE ANIMAL HAS BEEN MADE PRIOR
10 TO RELEASE, THE ANIMAL SHELTER OR PET ANIMAL RESCUE MAY RELEASE
11 THE DOG OR CAT TO THE PROSPECTIVE OWNER, SUBJECT TO THIS
12 SUBSECTION (2.3)(b).

13 (2.5) FOR THE PURPOSES OF THE EXEMPTIONS IN SUBSECTIONS (2)
14 AND (2.3) OF THIS SECTION:

15 (a) A VETERINARIAN SHALL BASE A DETERMINATION OF UNFITNESS
16 ON SPECIFIC DETAILS REGARDING THE SPECIFIC ANIMAL FOR WHICH AN
17 EXEMPTION IS REQUESTED AND SHALL NOT INCLUDE MULTIPLE ANIMAL
18 EXEMPTION REQUESTS IN ONE DETERMINATION.

19 (b) THE COMMISSIONER MAY SUBMIT A SIGNED COMPLAINT TO THE
20 STATE BOARD OF VETERINARY MEDICINE IF THE COMMISSIONER HAS
21 REASON TO BELIEVE THAT A VETERINARIAN'S WRITTEN DECLARATION
22 SUBMITTED PURSUANT TO SUBSECTIONS (2) OR (2.3) OF THIS SECTION IS IN
23 VIOLATION OF SECTION 12-315-112.

24 (c) AT THE TIME OF LICENSE RENEWAL, EACH ANIMAL SHELTER OR
25 PET ANIMAL RESCUE SHALL PROVIDE THE DEPARTMENT WITH
26 INFORMATION REGARDING ANIMALS EXEMPTED PURSUANT TO
27 SUBSECTIONS (2) AND (2.3) OF THIS SECTION. THE ANIMAL SHELTER OR PET

1 ANIMAL RESCUE SHALL PROVIDE THE INFORMATION IN THE FORM
2 PROVIDED BY THE DEPARTMENT AND SHALL INCLUDE THE BREED, AGE,
3 CATEGORY OF EXEMPTION, REASONING FOR THE EXEMPTION, AND NAME
4 AND LICENSE NUMBER OF THE VETERINARIAN LICENSED IN COLORADO
5 THAT MADE THE EXEMPTION DETERMINATION.

6 (3) This section does not apply to:

7 (e) A facility in an area with limited access to licensed
8 veterinarians that has been granted an exemption by the commissioner;
9 EXCEPT THAT ANY ANIMAL SHELTER OR PET ANIMAL RESCUE THAT
10 IMPORTS UNSTERILIZED DOGS OR CATS INTO THE STATE IS INELIGIBLE FOR
11 AN EXEMPTION.

12 **SECTION 2. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2024 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.