

CHAPTER 60

GOVERNMENT - LOCAL

HOUSE BILL 24-1033

BY REPRESENTATIVE(S) Snyder and Velasco, Amabile, Bacon, Bird, Brown, deGruy Kennedy, Duran, Epps, Froelich, Garcia, Hernandez, Herod, Jodeh, Joseph, Lieder, Lindsay, Mabrey, Marvin, McCormick, McLachlan, Ortiz, Rutinel, Sirota, Story, Titone, Willford, Woodrow, McCluskie, English, Ricks;
also SENATOR(S) Cutter and Jaquez Lewis, Ginal, Buckner, Exum, Michaelson Jenet, Priola, Winter F.

AN ACT

CONCERNING THE NEEDS OF AN INDIVIDUAL WITH AN ANIMAL DURING AN EMERGENCY, AND, IN CONNECTION THEREWITH, ADAPTING EMERGENCY MANAGEMENT PLANS TO ADDRESS THE NEEDS OF AN INDIVIDUAL WITH AN ANIMAL DURING AN EMERGENCY AND THAT LOCAL GOVERNMENTS MAKE CERTAIN INFORMATION PUBLICLY AVAILABLE RELATING TO AN INDIVIDUAL WITH AN ANIMAL DURING AN EMERGENCY.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-707, **add** (8.5) as follows:

24-33.5-707. Local and interjurisdictional emergency management agencies and services - definition. (8.5) (a) (I) A LOCALLY DEFINED OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN AMENDED OR CREATED PURSUANT TO SUBSECTION (8) OF THIS SECTION ON OR AFTER JULY 1, 2024, BUT BEFORE JANUARY 1, 2025, IS STRONGLY ENCOURAGED TO, AND ON OR AFTER JANUARY 1, 2025, MUST WHEN PRACTICABLE, ADDRESS THE NEEDS OF AN INDIVIDUAL WITH AN ANIMAL DURING AN EMERGENCY BY:

(A) INCLUDING PROVISIONS FOR THE EVACUATION, SHELTER, AND TRANSPORT OF AN INDIVIDUAL WITH AN ANIMAL AND THAT ANIMAL; AND

(B) REQUIRING, TO THE EXTENT PRACTICABLE, THAT AT LEAST ONE SHELTER ESTABLISHED DURING AN EMERGENCY IS DESIGNATED TO ACCOMMODATE AN INDIVIDUAL WITH AN ANIMAL AND THAT ANIMAL.

(II) IN ORDER TO DETERMINE WHETHER IT IS PRACTICABLE FOR A LOCALLY DEFINED OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN TO ADDRESS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THE ELEMENTS DESCRIBED IN SUBSECTION (8.5)(a)(I) OF THIS SECTION, AMONG OTHER FACTORS, THE FOLLOWING MUST BE CONSIDERED ABOUT THE AREA SUBJECT TO A LOCALLY DEFINED OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN:

(A) THE QUALITY AND QUANTITY OF SHELTER FACILITIES;

(B) THE AVAILABILITY OF STAFF AND VOLUNTEER PERSONNEL TO IMPLEMENT THE LOCALLY DEFINED OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN ELEMENTS DESCRIBED IN SUBSECTION (8.5)(a)(I) OF THIS SECTION; AND

(C) WHETHER THERE IS EMERGENCY TRANSPORTATION AVAILABLE TO ACCOMMODATE AN INDIVIDUAL WITH AN ANIMAL.

(III) NOTHING IN THIS SUBSECTION (8.5)(a) MAY BE CONSTRUED AS LOWERING THE PROTECTIONS FOR PEOPLE WITH DISABILITIES, INCLUDING THE RIGHT TO REMAIN WITH A SERVICE ANIMAL IN ANY EMERGENCY SHELTER, PROVIDED BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND PARTS 6 AND 8 OF ARTICLE 34 OF THIS TITLE 24.

(IV) THE ADMINISTRATOR OR MANAGER OF ANY SHELTER DESIGNATED PURSUANT TO SUBSECTION (8.5)(a)(I)(B) OF THIS SECTION HAS THE AUTHORITY TO DENY ACCESS TO THE FACILITY TO ANY ANIMAL THAT THE ADMINISTRATOR OR MANAGER DEEMS UNSAFE, UNSANITARY, OR CONTRARY TO THE GOOD WORKING ORDER OF THE FACILITY, SO LONG AS SUCH A DETERMINATION IS MADE ON AN INDIVIDUAL ANIMAL BASIS AND NOT ON THE BASIS OF AN ANIMAL'S BREED.

(b) ON OR AFTER JANUARY 1, 2025, A CITY, COUNTY, OR CITY AND COUNTY IS STRONGLY ENCOURAGED TO MAKE AVAILABLE TO THE PUBLIC INFORMATION FOR ANIMAL EMERGENCY PREPAREDNESS, INCLUDING:

(I) INFORMATION FOR CREATING AN EVACUATION PLAN AND EMERGENCY CHECKLIST FOR INDIVIDUALS WITH ANIMALS CONSISTENT WITH RECOMMENDATIONS PUBLICLY PUBLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

(II) LOCAL ORGANIZATIONS THAT MAY PROVIDE EMERGENCY ANIMAL ASSISTANCE; AND

(III) LOCAL EMERGENCY SHELTERS, COOLING CENTERS, OR WARMING CENTERS, WHEN ACTIVE, THAT CAN ACCOMMODATE AN INDIVIDUAL WITH AN ANIMAL.

(c) ON OR AFTER JANUARY 1, 2025, A CITY, COUNTY, OR CITY AND COUNTY IS STRONGLY ENCOURAGED TO CONDUCT DISABILITY ETIQUETTE AND SERVICE ANIMAL TRAINING PROVIDED BY, OR WITH GUIDANCE FROM, THE RELEVANT INDEPENDENT LIVING CENTER OR OTHER RELEVANT TRAINING PROVIDER TO ENSURE THAT EMERGENCY RESPONSE PERSONNEL ARE WELL PREPARED TO INTERACT WITH INDIVIDUALS WITH DISABILITIES AND THEIR SERVICE ANIMALS DURING EMERGENCY SITUATIONS.

(d) AS USED IN THIS SUBSECTION (8.5), UNLESS THE CONTEXT OTHERWISE REQUIRES, "ANIMAL" MEANS BOTH:

(I) A DOMESTICATED ANIMAL, SUCH AS A DOG OR CAT, THAT IS COMMONLY KEPT IN THE HOME FOR PLEASURE RATHER THAN FOR COMMERCIAL PURPOSES; AND

(II) A "SERVICE ANIMAL", AS DEFINED IN SECTION 12-240-144 (4)(c).

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: April 11, 2024