

## CHAPTER 127

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**PROFESSIONS & OCCUPATIONS**

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**HOUSE BILL 99-1228**

BY REPRESENTATIVES Johnson, Bacon, Kaufman, Tool, Alexander, Larson, Mace, McKay, Miller, and Taylor;  
also SENATORS Reeves, Chlouber, Hernandez, Powers, and Wattenberg.

**AN ACT**

CONCERNING LIMITS ON ACCESS TO AN ANIMAL'S VETERINARY RECORDS, AND, IN CONNECTION THEREWITH, EXEMPTING CERTAIN RECORDS IN THE CUSTODY OF A STATE INSTITUTION FROM INSPECTION UNDER THE OPEN RECORDS LAW.

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

**SECTION 1.** 24-72-204 (3) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.**  
(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XIV) VETERINARY MEDICAL DATA, INFORMATION, AND RECORDS ON INDIVIDUAL ANIMALS THAT ARE OWNED BY PRIVATE INDIVIDUALS OR BUSINESS ENTITIES, BUT ARE IN THE CUSTODY OF A VETERINARY MEDICAL PRACTICE OR HOSPITAL, INCLUDING THE VETERINARY TEACHING HOSPITAL AT COLORADO STATE UNIVERSITY, THAT PROVIDES VETERINARY MEDICAL CARE AND TREATMENT TO ANIMALS. A VETERINARY-PATIENT-CLIENT PRIVILEGE EXISTS WITH RESPECT TO SUCH DATA, INFORMATION, AND RECORDS ONLY WHEN A PERSON IN INTEREST AND A VETERINARIAN ENTER INTO A MUTUAL AGREEMENT TO PROVIDE MEDICAL TREATMENT FOR AN INDIVIDUAL ANIMAL AND SUCH PERSON IN INTEREST MAINTAINS AN OWNERSHIP INTEREST IN SUCH ANIMAL UNDERGOING TREATMENT. FOR PURPOSES OF THIS SUBPARAGRAPH (XIV), "PERSON IN INTEREST" MEANS THE OWNER OF AN ANIMAL UNDERGOING VETERINARY MEDICAL TREATMENT OR SUCH OWNER'S DESIGNATED REPRESENTATIVE. NOTHING IN THIS SUBPARAGRAPH (XIV) SHALL PREVENT THE STATE AGRICULTURAL COMMISSION OR THE STATE BOARD OF VETERINARY MEDICINE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

FROM EXERCISING ITS INVESTIGATORY AND ENFORCEMENT POWERS AND DUTIES GRANTED PURSUANT TO SECTIONS 35-1-106 (1) (h) AND 12-64-105 (9) (e), C.R.S., RESPECTIVELY.

**SECTION 2.** Article 64 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-64-120. Veterinary records in custody of animal care providers - definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ANIMAL CARE PROVIDER" MEANS ANY VETERINARY PRACTICE OR VETERINARY HOSPITAL, INCLUDING THE VETERINARY TEACHING HOSPITAL AT COLORADO STATE UNIVERSITY, THAT PROVIDES VETERINARY CARE OR TREATMENT TO ANIMALS.

(2) ANIMAL CARE PROVIDERS SHALL MAKE AVAILABLE THE VETERINARY RECORDS IN THEIR CUSTODY AS FOLLOWS:

(a) THE OWNER OF AN ANIMAL OR THE OWNER'S DESIGNATED REPRESENTATIVE SHALL HAVE REASONABLE ACCESS TO SUCH ANIMAL'S RECORDS FOR INSPECTION;

(b) THE OWNER OR THE OWNER'S DESIGNATED REPRESENTATIVE MAY OBTAIN A SUMMARY OF SUCH ANIMAL'S RECORDS UPON REQUEST, FOLLOWING TERMINATION OF CARE OR TREATMENT; AND

(c) COPIES OF VETERINARY RECORDS, INCLUDING DIAGNOSTIC QUALITY X RAY, CT SCAN, MRI, OR OTHER FILM, SHALL BE FURNISHED TO THE OWNER OR THE OWNER'S DESIGNATED REPRESENTATIVE UPON PAYMENT OF REASONABLE COSTS.

(3) RECORDS CONCERNING AN ANIMAL'S CARE ARE AVAILABLE TO THE PUBLIC UNLESS A VETERINARY-PATIENT-CLIENT PRIVILEGE EXISTS WITH RESPECT TO SUCH ANIMAL, AS PROVIDED IN SECTION 24-72-204 (3) (a) (XIV), C.R.S.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 1999