

CHAPTER 290

**AGRICULTURE**

**HOUSE BILL 00-1267**

BY REPRESENTATIVES Johnson, Coleman, George, Gotlieb, Grossman, Hoppe, Leyba, and Plant;  
also SENATORS Hillman, Hernandez, Sullivant, Wattenberg, and Weddig.

**AN ACT**

CONCERNING THE ADMINISTRATION OF THE "PET ANIMAL CARE AND FACILITIES ACT" BY THE  
DEPARTMENT OF AGRICULTURE.

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

**SECTION 1. Repeal.** 24-34-104 (29.5), Colorado Revised Statutes, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (29.5) ~~The following function of the commissioner of agriculture shall terminate on July 1, 2000: The licensing of pet animal care facilities pursuant to article 80 of title 35, C.R.S.~~

**SECTION 2.** 24-34-104 (40), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (40) The following agencies, functions, or both, shall terminate on July 1, 2009:

(i) THE LICENSING OF PET ANIMAL FACILITIES PURSUANT TO ARTICLE 80 OF TITLE 35, C.R.S.

**SECTION 3.** 2-3-1203 (3) (m) (V) and (3) (v), Colorado Revised Statutes, are amended to read:

**2-3-1203. Sunset review of advisory committees.** (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

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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.*

(m) July 1, 2000:

~~(V) The pet animal advisory committee, appointed pursuant to section 35-80-115, C.R.S.;~~

(v) July 1, 2009:

(I) The fire service training and certification advisory board appointed pursuant to section 24-33.5-1204, C.R.S.;

(II) THE PET ANIMAL ADVISORY COMMITTEE APPOINTED PURSUANT TO SECTION 35-80-115, C.R.S.;

**SECTION 4.** 35-80-102 (2.5) and (13), Colorado Revised Statutes, are amended, and the said 35-80-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**35-80-102. Definitions.** As used in this article, unless the context otherwise requires:

~~(2.5) "Commercial dog breeder" means a dog breeder that transfers at least one hundred dogs per year, excluding racing greyhounds that are not intended to be companion pets.~~

(6.6) "DOG BREEDER, LARGE SCALE OPERATION" OR "LARGE SCALE OPERATION DOG BREEDER" MEANS A DOG BREEDER THAT TRANSFERS AT LEAST ONE HUNDRED DOGS PER YEAR, EXCLUDING RACING GREYHOUNDS THAT ARE NOT INTENDED TO BE COMPANION PETS.

(6.7) "DOG BREEDER, SMALL SCALE OPERATION" OR "SMALL SCALE OPERATION DOG BREEDER" MEANS A DOG BREEDER THAT TRANSFERS AT LEAST TWENTY-FIVE BUT NO MORE THAN NINETY-NINE DOGS PER YEAR.

~~(13) "Small dog breeder" means a dog breeder that transfers at least twenty-five but no more than ninety-nine dogs per year.~~

**SECTION 5.** 35-80-103 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**35-80-103. Scope of article.** (2) The provisions of this article shall not apply to:

(i) ANY OWNER, BREEDER, HANDLER, OR TRAINER WHILE EXHIBITING OR COMPETING AT ANY EVENT LICENSED, REGULATED, OR SANCTIONED BY THE AMERICAN KENNEL CLUB, UNITED KENNEL CLUB, OR ANY OTHER NATIONALLY RECOGNIZED REGISTERING ORGANIZATION.

**SECTION 6.** 35-80-105 (4), Colorado Revised Statutes, is amended to read:

**35-80-105. Pet animal facility - licensure requirements - application - fees.**  
(4) Each applicant for a pet animal facility license shall pay an annual license fee in

the amount specified by the commissioner, which amount shall not exceed two hundred FIFTY dollars per license.

**SECTION 7.** 35-80-108 (1) (k) and (1) (l), Colorado Revised Statutes, are amended, and the said 35-80-108 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**35-80-108. Unlawful acts.** (1) Unless otherwise authorized by law, it is unlawful and a violation of this article for any person or entity:

(k) To sell, transfer, or adopt dogs or cats under the age of eight weeks; ~~and~~

(l) To sell, transfer, or adopt guinea pigs, hamsters, or rabbits under the age of four weeks, and such other pet animal species as may be specified by the commissioner; AND

(m) TO ALTER OR FALSIFY ANY CERTIFICATE OF VETERINARY INSPECTION OR ANY OTHER CERTIFICATE OF VETERINARY HEALTH.

**SECTION 8.** 35-80-110, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**35-80-110. Inspections - investigations - access - subpoena.** (3.5) AFTER THE DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE FOR A PET ANIMAL FACILITY, THE COMMISSIONER SHALL HAVE FREE AND UNIMPEDED ACCESS TO THE AREAS AND RECORDS THAT ARE REASONABLY NECESSARY TO VERIFY THAT OPERATION OF SUCH A PET ANIMAL FACILITY HAS CEASED. THE COMMISSIONER SHALL HAVE SUCH ACCESS UPON CONSENT OR UPON OBTAINING A SEARCH WARRANT TO THE FOLLOWING AREAS AND RECORDS:

(a) TO THOSE PORTIONS OF ALL BUILDINGS, YARDS, PENS, AND OTHER AREAS IN WHICH ANIMALS ARE SUSPECTED OF BEING KEPT, HANDLED, OR TRANSPORTED WITHOUT THE APPROPRIATE LICENSE; AND

(b) TO ALL RECORDS THAT ARE EQUIVALENT TO THOSE REQUIRED TO BE KEPT FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS ACT. THE COMMISSIONER MAY MAKE COPIES OF SUCH RECORDS FOR THE PURPOSE OF CARRYING OUT ANY PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE.

**SECTION 9.** Article 80 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**35-80-112.5. Denial of license - animal cruelty conviction.** (1) THE COMMISSIONER, PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., MAY DENY, REFUSE TO RENEW, OR REVOKE ANY LICENSE AUTHORIZED UNDER THIS ARTICLE IF THE APPLICANT OR LICENSEE HAS BEEN CONVICTED OF CRUELTY TO ANIMALS PURSUANT TO ARTICLE 9 OF TITLE 18, C.R.S., OR ANY SIMILAR STATUTE OF ANY OTHER STATE.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE COMMISSIONER, PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S., SHALL DENY,

REFUSE TO RENEW, OR REVOKE ANY LICENSE AUTHORIZED UNDER THIS ARTICLE IF THE APPLICANT OR LICENSEE HAS BEEN CONVICTED, AT ANY TIME, OF ONE OR MORE VIOLATIONS OF SECTION 18-9-202, C.R.S., THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INCLUDE THE KNOWING OR INTENTIONAL TORTURE OR TORMENT OF AN ANIMAL WHICH NEEDLESSLY INJURES, MUTILATES, OR KILLS AN ANIMAL.

**SECTION 10.** 35-80-114, Colorado Revised Statutes, is amended to read:

**35-80-114. Criminal penalties.** Any person who violates the provisions of section 35-80-108 (1) (a), (1) (b), (1) (c), ~~or~~ (1) (f), OR (1) (m) commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

**SECTION 11.** 35-80-115 (1) (c), (1) (n), (4), and (5) (a), Colorado Revised Statutes, are amended to read:

**35-80-115. Advisory committee - sunset review - repeal.** (1) There is hereby established a pet animal advisory committee to advise the commissioner in establishing regulations under this article and to provide ongoing review of this article. The members of the advisory committee shall receive no compensation or reimbursement from the state of Colorado or the department for expenses incurred in the performance of their duties. The advisory committee shall consist of sixteen persons appointed by the commissioner as follows:

(c) One person who represents small SCALE OPERATION dog breeders;

(n) One person who represents ~~commercial~~ LARGE SCALE OPERATION dog breeders.

(4) The initial appointments of the animal rescue representative, the small animal breeder, the pet animal wholesaler, one member from the general public, and the ~~commercial dog breeder~~ LARGE SCALE OPERATION DOG BREEDER shall expire on January 1, 1995. The initial appointments of the bird breeder, the representative of boarding kennels, the representative of animal control officers, the small SCALE OPERATION dog breeder, and one member from the general public shall expire on January 1, 1996. The initial appointment of all other members shall be for a term of three years. Thereafter, members of the advisory committee shall serve for terms of three years.

(5) (a) This section is repealed, effective July 1, ~~2000~~ 2009.

**SECTION 12.** 35-80-117 (1), Colorado Revised Statutes, is amended to read:

**35-80-117. Repeal of article - sunset review.** (1) This article is repealed, effective July 1, ~~2000~~ 2009.

**SECTION 13. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2000