

## CHAPTER 316

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**AGRICULTURE**

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**SENATE BILL 01-131**

BY SENATOR(S) Hanna and Chlouber;  
also REPRESENTATIVE(S) Mitchell and Weddig.

**AN ACT**

CONCERNING THE REGULATION OF PET ANIMAL FACILITIES, AND, IN CONNECTION THEREWITH, CLARIFYING THE DEFINITION OF FELINE HOBBY BREEDER, REDUCING THE TIME AN ANIMAL MAY BE HELD IN AN ANIMAL SHELTER, AND ALLOWING ANIMAL SHELTER SUPERVISORS TO MAKE DETERMINATIONS WITH RESPECT TO THE IMMEDIATE DISPOSITION OF ANIMALS EXPERIENCING EXTREME PAIN OR SUFFERING.

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

**SECTION 1.** 35-80-102 (8), Colorado Revised Statutes, is amended to read:

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

(8) "Feline hobby breeder facility" means any facility ~~which~~ THAT produces or transfers no more than twenty-four cats per year OR BREEDS NO MORE THAN THREE LITTERS PER YEAR.

**SECTION 2.** 35-80-103 (2) (i), Colorado Revised Statutes, is amended 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 TRANSPORTING A PET ANIMAL TO OR FROM OR 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 3.** 35-80-106.3, Colorado Revised Statutes, is amended to read:

**35-80-106.3. Animal holding periods - disposition of unclaimed animals -**

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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.*

**immunity from actions over disposition of a pet animal.** (1) Any pet animal held by or in the custody of a licensed animal shelter, whether public or private, and not reclaimed by the owner shall be held by the animal shelter for a minimum of five days after acquisition by the animal shelter before it may become available for adoption or otherwise disposed of at the discretion of the animal shelter; EXCEPT A SHELTER SUPERVISOR MAY DETERMINE THAT A PET ANIMAL WITHOUT IDENTIFICATION, INCLUDING BUT NOT LIMITED TO A MICROCHIP OR COLLAR, MAY BE DISPOSED OF IN THREE DAYS IF SUCH SHELTER SUPERVISOR DETERMINES THE SHELTER HAS NO ADDITIONAL RESOURCES FOR SUCH PET ANIMAL OR DETERMINES THAT SUCH PET ANIMAL IS DANGEROUS. For purposes of this section, "days" means days during which the shelter is open to the public. If the animal shelter acquires the pet animal from the owner or an authorized representative of the owner, the pet animal becomes the property of the animal shelter at the time of transfer of the pet animal, and the pet animal may be disposed of by and at the discretion of the animal shelter. If the pet animal is abandoned, as defined in section 18-9-201 (1), C.R.S., the pet animal becomes the property of the animal shelter upon acquisition and may be disposed of by and at the discretion of the animal shelter. THE ANIMAL SHELTER SHALL BE THE STEWARD OF STRAY ANIMALS FOR THE PURPOSES OF PROVIDING PROPHYLACTIC VETERINARY CARE UNDER THE WRITTEN PROTOCOL AND DIRECTION OF THE SHELTER VETERINARIAN. Pet animals, which in the opinion of a veterinarian OR THE ANIMAL SHELTER SUPERVISOR, IF A VETERINARIAN IS NOT AVAILABLE, are experiencing extreme pain or suffering, may be disposed of immediately by the animal shelter through euthanasia after the animal shelter has exhausted reasonable efforts to contact the owner; however, for pet animals with identification, the animal shelter shall exhaust reasonable efforts to contact the owner for up to twenty-four hours.

(2) An animal shelter and any employee thereof that complies with the ~~five-day~~ minimum holding period as set forth in subsection (1) of this section or that disposes of a pet animal in accordance with the provisions of subsection (1) of this section for owner-surrendered animals, abandoned animals, or suffering animals shall be immune from liability in a civil action brought by the owner of a pet animal for the shelter's disposition of a pet animal.

(3) Nothing in this section shall preclude a town, city, city and county, or county from adopting, maintaining, or enforcing an ordinance that exceeds the ~~five-day~~ minimum holding period as set forth in subsection (1) of this section. Nothing in this section shall preclude a licensed animal shelter, whether public or private, from adopting, maintaining, or following a policy that exceeds the ~~five-day~~ minimum holding period as set forth in subsection (1) of this section.

**SECTION 4.** 35-80-109 (2) (a), Colorado Revised Statutes, is amended to read:

**35-80-109. Powers and duties of the commissioner.** (2) The commissioner is authorized to adopt all reasonable rules and regulations for the administration and enforcement of this article, including, but not limited to:

(a) Minimum standards of physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, and method of operation, including the minimum holding period for and disposition of stray or abandoned pet animals that are, in the opinion of the commissioner, necessary to carry out the provisions of this article; EXCEPT THAT

EACH HOLDING PERIOD SHALL COMPLY WITH SECTION 35-80-106.3 (1);

**SECTION 5. 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: June 5, 2001