

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 14-0301.01 Duane Gall x4335

HOUSE BILL 14-1270

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Agriculture, Livestock, & Natural Resources
Finance
Appropriations

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE SUNSET REVIEW OF THE LICENSING OF PET ANIMAL**
102 **FACILITIES, AND, IN CONNECTION THEREWITH, CONTINUING THE**
103 **LICENSING FUNCTIONS OF THE COMMISSIONER OF AGRICULTURE**
104 **AND MAKING SUBSTANTIVE CHANGES TO THE REGULATORY**
105 **STATUTES.**

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://www.leg.state.co.us/bills summaries>.)

Sunset Process - House Agriculture, Livestock, and Natural

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 29, 2014

HOUSE
3rd Reading Unamended
April 7, 2014

HOUSE
Amended 2nd Reading
April 4, 2014

Resources Committee. The bill continues the licensure of pet animal facilities by the commissioner of agriculture (commissioner) for 5 years, until 2019 (**sections 1 and 2**). It also:

- ! Authorizes the commissioner to deny, revoke, or refuse to renew the license of any entity if any officer, principal owner, or other person in a position of control over the entity has been convicted of animal cruelty or animal fighting, and requires denial or revocation of a license after a second offense (**sections 8 and 9**);
- ! Directs the commissioner or the commissioner's designees to report to law enforcement agencies and the bureau of animal protection any instance of suspected animal abuse that is discovered in the course of an investigation, and grants qualified immunity for a report made in good faith **section 7**);
- ! Allows the commissioner to specify, by rule, written disclosures that must be given concerning rabies vaccinations and the origin and medical history of a dog, cat, ferret, or bird (**section 6**);
- ! Amends definitions related to small canine breeding operations to resolve potential conflicts (**section 3**);
- ! Repeals certain existing exemptions for nonhuman primates (**section 5**); and
- ! Increases the existing cap on license fees from \$350 to \$700 (**section 4**).

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 35-80-117 as
3 follows:

4 **35-80-117. Repeal of article - sunset review - report to general**
5 **assembly.** (1) This article is repealed, effective ~~July 1, 2014~~ SEPTEMBER
6 1, 2019.

7 (2) Prior to such repeal, the licensing functions of the
8 commissioner shall be reviewed as provided for in section 24-34-104,
9 C.R.S.

10 (3) ON OR BEFORE FEBRUARY 1, 2018, THE COMMISSIONER SHALL
11 PROVIDE A WRITTEN REPORT TO THE AGRICULTURE, LIVESTOCK, AND

1 NATURAL RESOURCES COMMITTEE AND THE FINANCE COMMITTEE OF THE
2 HOUSE OF REPRESENTATIVES AND THE AGRICULTURE, NATURAL
3 RESOURCES, AND ENERGY COMMITTEE AND THE FINANCE COMMITTEE OF
4 THE SENATE, OR THEIR SUCCESSOR COMMITTEES, CONTAINING THE
5 FOLLOWING INFORMATION, AS OF SEPTEMBER 1, 2013, AND SEPTEMBER 1,
6 2017:

7 (a) A SCHEDULE OF THE FEES CHARGED FOR ALL CLASSES OF
8 LICENSES ISSUED UNDER THIS ARTICLE AND FOR RENEWAL OF THOSE
9 LICENSES;

10 (b) THE TOTAL REVENUE RECEIVED BY THE DEPARTMENT AS A
11 RESULT OF THE FEES CHARGED FOR LICENSES AND RENEWALS UNDER THIS
12 ARTICLE; AND

13 (c) THE TOTAL NUMBER OF PERSONNEL EMPLOYED BY THE
14 DEPARTMENT TO ADMINISTER THIS ARTICLE.

15 (4) ON OR BEFORE FEBRUARY 1, 2015, AND ANNUALLY
16 THEREAFTER, THE COMMISSIONER SHALL PROVIDE A WRITTEN REPORT TO
17 THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL, THE
18 AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE
19 HOUSE OF REPRESENTATIVES, AND THE AGRICULTURE, NATURAL
20 RESOURCES, AND ENERGY COMMITTEE OF THE SENATE, OR THEIR
21 SUCCESSOR COMMITTEES, EXPLAINING THE NEED FOR AND PURPOSES OF
22 ANY INCREASE IN THE FEE CHARGED FOR ANY CLASS OF LICENSES ISSUED
23 UNDER THIS ARTICLE OR FOR RENEWAL OF THOSE LICENSES, INCLUDING
24 WITHOUT LIMITATION A STATEMENT OF THE NUMBER OF INSPECTIONS
25 PERFORMED PER MONTH BEFORE AND AFTER THE INCREASE.

26 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
27 (45) (h); and **add** (50.5) (h) as follows:

1 **24-34-104. General assembly review of regulatory agencies**
2 **and functions for termination, continuation, or reestablishment.**

3 (45) The following agencies, functions, or both, terminate on July 1,
4 2014:

5 (h) ~~The licensing of pet animal facilities pursuant to article 80 of~~
6 ~~title 35, C.R.S.~~

7 (50.5) The following agencies, functions, or both, terminate on
8 September 1, 2019:

9 (h) THE LICENSING OF PET ANIMAL FACILITIES BY THE
10 COMMISSIONER OF AGRICULTURE PURSUANT TO ARTICLE 80 OF TITLE 35,
11 C.R.S.

12 **SECTION 3.** In Colorado Revised Statutes, 35-80-102, **amend**
13 (6.5) and (6.7) as follows:

14 **35-80-102. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (6.5) "Dog breeder" means any ~~firm, person or corporation which~~
17 ~~is engaged~~ THAT ENGAGES in the operation of breeding and raising dogs
18 for the purpose of selling, trading, bartering, giving away, or otherwise
19 transferring ~~same~~ THE DOGS, excluding racing greyhounds that are not
20 intended to be companion pets.

21 (6.7) "Dog breeder, small scale operation" or "small scale
22 operation dog breeder" means a dog breeder that transfers ~~at least~~
23 ~~twenty-five~~ MORE THAN THE NUMBER OF DOGS PERMITTED FOR A CANINE
24 HOBBY BREEDER FACILITY but no more than ninety-nine dogs per year.

25 **SECTION 4.** In Colorado Revised Statutes, 35-80-103, **add** (2)
26 (j) as follows:

27 **35-80-103. Scope of article.** (2) The provisions of this article

1 shall not apply to:

2 (j) ANY WILDLIFE SANCTUARY.

3 **SECTION 5.** In Colorado Revised Statutes, 35-80-105, **amend**
4 (4) as follows:

5 **35-80-105. Pet animal facility - licensure requirements -**
6 **application - fees.** (4) Each applicant for a pet animal facility license
7 shall pay an annual license fee in the amount specified by rule of the
8 commissioner, which amount shall not exceed ~~three~~ SEVEN hundred fifty
9 dollars per license.

10 **SECTION 6.** In Colorado Revised Statutes, 35-80-108, **amend**
11 (1) (j) (II) (B) as follows:

12 **35-80-108. Unlawful acts.** (1) Unless otherwise authorized by
13 law, it is unlawful and a violation of this article for any person or entity:

14 (j) To sell, barter, exchange, or otherwise transfer, possess,
15 import, or cause to be imported into this state:

16 (II) (B) ~~Such prohibitions, with respect to nonhuman primates,~~
17 ~~shall~~ THIS PARAGRAPH (j) DOES not apply to a research facility or
18 exhibitor properly licensed or registered under the provisions of the
19 federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131 et seq., as
20 amended. ~~nor shall they apply to the keeping of a nonhuman primate as~~
21 ~~a household pet by any person who owned such primate on or before July~~
22 ~~1, 1973, or to the keeping by a disabled person of a nonhuman primate~~
23 ~~specially trained to assist such person.~~

24 **SECTION 7.** In Colorado Revised Statutes, 35-80-109, **add** (2)
25 (b.5) and (2) (b.6) as follows:

26 **35-80-109. Powers and duties of commissioner - rules.** (2) The
27 commissioner is authorized to adopt all reasonable rules for the

1 administration and enforcement of this article, including, but not limited
2 to:

3 (b.5) THE CONTENT OF, AND PROCEDURES FOR, ANY WRITTEN
4 RECOMMENDATIONS AND WARNINGS CONCERNING RABIES VACCINATIONS
5 THAT THE COMMISSIONER MAY REQUIRE A LICENSEE TO GIVE IN
6 CONNECTION WITH THE SALE, TRANSFER, TRADE, OR ADOPTION OF A DOG,
7 CAT, OR FERRET;

8 (b.6) WRITTEN DISCLOSURES BY LICENSEES IN CONNECTION WITH
9 THE SALE, TRANSFER, TRADE, OR ADOPTION OF A DOG, CAT, FERRET, OR
10 BIRD AND THE RETENTION BY LICENSEES OF WRITTEN DOCUMENTATION
11 THAT THE DISCLOSURES WERE MADE;

12 **SECTION 8.** In Colorado Revised Statutes, 35-80-110, **add** (5)
13 as follows:

14 **35-80-110. Inspections - investigations - access - subpoena -**
15 **duty to report suspected animal cruelty or animal fighting -**
16 **immunity.** (5) (a) IF THE COMMISSIONER OR THE COMMISSIONER'S
17 DESIGNEE, IN THE COURSE OF AN INVESTIGATION UNDER THIS ARTICLE, HAS
18 REASONABLE CAUSE TO KNOW OR SUSPECT THAT AN ANIMAL HAS BEEN
19 SUBJECTED TO ANIMAL CRUELTY IN VIOLATION OF SECTION 18-9-202,
20 C.R.S., OR ANIMAL FIGHTING IN VIOLATION OF SECTION 18-9-204, C.R.S.,
21 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL REPORT OR
22 CAUSE A REPORT TO BE MADE OF THE ANIMAL CRUELTY OR ANIMAL
23 FIGHTING TO A LOCAL LAW ENFORCEMENT AGENCY OR THE STATE BUREAU
24 OF ANIMAL PROTECTION CREATED IN SECTION 35-42-105. THE
25 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL NOT
26 KNOWINGLY MAKE A FALSE REPORT.

27 (b) THE MERE FILING OF A COMPLAINT DOES NOT GENERATE A

1 REQUIREMENT TO REPORT UNDER PARAGRAPH (a) OF THIS SUBSECTION (5).

2 (c) A COMMISSIONER OR A COMMISSIONER'S DESIGNEE WHO
3 WILLFULLY VIOLATES THE PROVISIONS OF THIS SUBSECTION (5) COMMITS
4 A CLASS 1 PETTY OFFENSE, PUNISHABLE AS PROVIDED IN SECTION
5 18-1.3-503, C.R.S.

6 (d) (I) IF THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE
7 IN GOOD FAITH REPORTS A SUSPECTED INCIDENT OF ANIMAL CRUELTY OR
8 ANIMAL FIGHTING TO THE PROPER AUTHORITIES IN ACCORDANCE WITH
9 THIS SUBSECTION (5), HE OR SHE IS IMMUNE FROM LIABILITY IN ANY CIVIL
10 OR CRIMINAL ACTION BROUGHT IN CONNECTION WITH THE REPORT; AND

11 (II) IN A CIVIL OR CRIMINAL ACTION BROUGHT IN CONNECTION
12 WITH THE REPORT, THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE
13 IS PRESUMED TO HAVE ACTED IN GOOD FAITH.

14 **SECTION 9.** In Colorado Revised Statutes, 35-80-112, **amend**
15 (3) as follows:

16 **35-80-112. Disciplinary actions - denial of license.** (3) No
17 licensee whose license has been revoked may apply or reapply for a
18 license under this article until two years ~~from~~ AFTER the date of ~~such~~ THE
19 revocation. IN THE CASE OF AN ENTITY WHOSE LICENSE WAS REVOKED
20 UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE
21 TWO-YEAR PERIOD OF INELIGIBILITY ALSO APPLIES TO A PRINCIPAL,
22 OFFICER, DIRECTOR, MANAGER, OR ANY OTHER PERSON WHO HAS
23 SUBSTANTIAL CONTROL OR AUTHORITY OVER THE DAILY OPERATIONS OF
24 THE ENTITY, WHETHER HE OR SHE APPLIES INDIVIDUALLY OR AS A
25 PRINCIPAL, OFFICER, DIRECTOR, MANAGER, OR OTHER PERSON WHO HAS OR
26 WOULD HAVE SUBSTANTIAL CONTROL OR AUTHORITY OVER THE DAILY
27 OPERATIONS OF THE SAME OR A DIFFERENT ENTITY.

1 **SECTION 10.** In Colorado Revised Statutes, **amend** 35-80-112.5
2 as follows:

3 **35-80-112.5. Denial of license - animal cruelty or animal**
4 **fighting conviction.** (1) The commissioner, pursuant to ~~the provisions~~
5 ~~of article 4 of title 24, C.R.S., may deny, refuse to renew, or revoke any~~
6 ~~license authorized under this article if the applicant or licensee, OR ANY~~
7 ~~PRINCIPAL, OFFICER, DIRECTOR, MANAGER, OR OTHER PERSON WHO HAS OR~~
8 ~~WOULD HAVE SUBSTANTIAL CONTROL OR AUTHORITY OVER THE LICENSEE~~
9 ~~OR OVER ITS DAILY OPERATIONS, has been convicted of cruelty to animals~~
10 ~~pursuant to ~~article 9 of title 18~~ SECTION 18-9-202 (1) (a) OR (1.5) (a),~~
11 ~~C.R.S., or any similar statute of any other state.~~

12 (2) Notwithstanding subsection (1) of this section, the
13 commissioner, pursuant to ~~the provisions of~~ article 4 of title 24, C.R.S.,
14 shall deny, refuse to renew, or revoke any license authorized under this
15 ~~article if the applicant or licensee, OR ANY PRINCIPAL, OFFICER, DIRECTOR,~~
16 ~~MANAGER, OR OTHER PERSON WHO HAS OR WOULD HAVE SUBSTANTIAL~~
17 ~~CONTROL OR AUTHORITY OVER THE LICENSEE OR OVER ITS DAILY~~
18 ~~OPERATIONS, has been convicted, at any time, of: ~~one or more violations~~~~
19 ~~of section 18-9-202, C.R.S., the underlying factual basis of which has~~
20 ~~been found by the court to include the knowing or intentional torture or~~
21 ~~torment of an animal, which needlessly injures, mutilates, or kills an~~
22 ~~animal~~

23 (a) ANIMAL FIGHTING PURSUANT TO SECTION 18-9-204, C.R.S., OR
24 ANY SIMILAR STATUTE OF ANY OTHER STATE;

25 (b) AGGRAVATED CRUELTY TO ANIMALS PURSUANT TO SECTION
26 18-9-202 (1.5) (b), C.R.S., OR ANY SIMILAR STATUTE OF ANY OTHER
27 STATE; OR

1 (c) A SECOND OR SUBSEQUENT CONVICTION OF CRUELTY TO
2 ANIMALS PURSUANT TO SECTION 18-9-202 (1) (a) OR (1.5) (a), C.R.S., OR
3 ANY SIMILAR STATUTE OF ANY OTHER STATE.

4 **SECTION 11. Effective date.** This act takes effect July 1, 2014.

5 **SECTION 12. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.