

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Senate Committees

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.

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, 35-80-117, **amend**
3 (1) as follows:

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5 repealed, effective ~~July 1, 2014~~ SEPTEMBER 1, 2019.

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

8 **24-34-104. General assembly review of regulatory agencies**
9 **and functions for termination, continuation, or reestablishment.**

10 (45) The following agencies, functions, or both, terminate on July 1,
11 2014:

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

3 (50.5) The following agencies, functions, or both, terminate on
4 September 1, 2019:

5 (h) THE LICENSING OF PET ANIMAL FACILITIES BY THE
6 COMMISSIONER OF AGRICULTURE PURSUANT TO ARTICLE 80 OF TITLE 35,
7 C.R.S.

8 **SECTION 3.** In Colorado Revised Statutes, 35-80-102, **amend**
9 (6.5) and (6.7) as follows:

10 **35-80-102. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (6.5) "Dog breeder" means any ~~firm, person or corporation which~~
13 ~~is engaged~~ THAT ENGAGES in the operation of breeding and raising dogs
14 for the purpose of selling, trading, bartering, giving away, or otherwise
15 transferring ~~same~~ THE DOGS, excluding racing greyhounds that are not
16 intended to be companion pets.

17 (6.7) "Dog breeder, small scale operation" or "small scale
18 operation dog breeder" means a dog breeder that transfers ~~at least~~
19 ~~twenty-five~~ MORE THAN THE NUMBER OF DOGS PERMITTED FOR A CANINE
20 HOBBY BREEDER FACILITY but no more than ninety-nine dogs per year.

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

23 **35-80-103. Scope of article.** (2) The provisions of this article
24 shall not apply to:

25 (j) ANY WILDLIFE SANCTUARY.

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

1 **35-80-105. Pet animal facility - licensure requirements -**
2 **application - fees.** (4) Each applicant for a pet animal facility license
3 shall pay an annual license fee in the amount specified by rule of the
4 commissioner, which amount shall not exceed ~~three~~ SEVEN hundred fifty
5 dollars per license.

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

8 **35-80-108. Unlawful acts.** (1) Unless otherwise authorized by
9 law, it is unlawful and a violation of this article for any person or entity:

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

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

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

22 **35-80-109. Powers and duties of commissioner - rules.** (2) The
23 commissioner is authorized to adopt all reasonable rules for the
24 administration and enforcement of this article, including, but not limited
25 to:

26 (b.5) THE CONTENT OF, AND PROCEDURES FOR, ANY WRITTEN
27 RECOMMENDATIONS AND WARNINGS CONCERNING RABIES VACCINATIONS

1 THAT THE COMMISSIONER MAY REQUIRE A LICENSEE TO GIVE IN
2 CONNECTION WITH THE SALE, TRANSFER, TRADE, OR ADOPTION OF A DOG,
3 CAT, OR FERRET;

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

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

10 **35-80-110. Inspections - investigations - access - subpoena -**
11 **duty to report suspected animal cruelty or animal fighting -**
12 **immunity.** (5) (a) IF THE COMMISSIONER OR THE COMMISSIONER'S
13 DESIGNEE, IN THE COURSE OF AN INVESTIGATION UNDER THIS ARTICLE, HAS
14 REASONABLE CAUSE TO KNOW OR SUSPECT THAT AN ANIMAL HAS BEEN
15 SUBJECTED TO ANIMAL CRUELTY IN VIOLATION OF SECTION 18-9-202,
16 C.R.S., OR ANIMAL FIGHTING IN VIOLATION OF SECTION 18-9-204, C.R.S.,
17 THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL REPORT OR
18 CAUSE A REPORT TO BE MADE OF THE ANIMAL CRUELTY OR ANIMAL
19 FIGHTING TO A LOCAL LAW ENFORCEMENT AGENCY OR THE STATE BUREAU
20 OF ANIMAL PROTECTION CREATED IN SECTION 35-42-105. THE
21 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL NOT
22 KNOWINGLY MAKE A FALSE REPORT.

23 (b) THE MERE FILING OF A COMPLAINT DOES NOT GENERATE A
24 REQUIREMENT TO REPORT UNDER PARAGRAPH (a) OF THIS SUBSECTION (5).

25 (c) A COMMISSIONER OR A COMMISSIONER'S DESIGNEE WHO
26 WILLFULLY VIOLATES THE PROVISIONS OF THIS SUBSECTION (5) COMMITS
27 A CLASS 1 PETTY OFFENSE, PUNISHABLE AS PROVIDED IN SECTION

1 18-1.3-503, C.R.S.

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

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

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

12 **35-80-112. Disciplinary actions - denial of license.** (3) No
13 licensee whose license has been revoked may apply or reapply for a
14 license under this article until two years ~~from~~ AFTER the date of ~~such~~ THE
15 revocation. IN THE CASE OF AN ENTITY WHOSE LICENSE WAS REVOKED
16 UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE
17 TWO-YEAR PERIOD OF INELIGIBILITY ALSO APPLIES TO A PRINCIPAL,
18 OFFICER, DIRECTOR, OR OTHER PERSON IN A POSITION OF CONTROL OVER
19 THE ENTITY, WHETHER OR NOT HE OR SHE APPLIES INDIVIDUALLY OR AS A
20 PRINCIPAL, OFFICER, DIRECTOR, OR CONTROLLING PERSON OF THE SAME OR
21 A DIFFERENT ENTITY.

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

24 **35-80-112.5. Denial of license - animal cruelty or animal**
25 **fighting conviction.** (1) The commissioner, pursuant to ~~the provisions~~
26 ~~of~~ article 4 of title 24, C.R.S., may deny, refuse to renew, or revoke any
27 license authorized under this article if the applicant or licensee, OR ANY

1 PRINCIPAL, OFFICER, DIRECTOR, OR OTHER PERSON IN A POSITION OF
2 CONTROL OVER THE LICENSEE, has been convicted of cruelty to animals
3 pursuant to ~~article 9 of title 18~~ SECTION 18-9-202 (1) (a) OR (1.5) (a),
4 C.R.S., or any similar statute of any other state.

5 (2) Notwithstanding subsection (1) of this section, the
6 commissioner, pursuant to ~~the provisions of article 4 of title 24, C.R.S.,~~
7 shall deny, refuse to renew, or revoke any license authorized under this
8 article if the applicant or licensee, OR ANY PRINCIPAL, OFFICER, DIRECTOR,
9 OR OTHER PERSON IN A POSITION OF CONTROL OVER THE LICENSEE, has
10 been convicted, at any time, of: ~~one or more violations of section~~
11 ~~18-9-202, C.R.S., the underlying factual basis of which has been found~~
12 ~~by the court to include the knowing or intentional torture or torment of an~~
13 ~~animal, which needlessly injures, mutilates, or kills an animal~~

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

16 (b) AGGRAVATED CRUELTY TO ANIMALS PURSUANT TO SECTION
17 18-9-202 (1.5) (b), C.R.S., OR ANY SIMILAR STATUTE OF ANY OTHER
18 STATE; OR

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

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

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