

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 24-045

BY SENATOR(S) Liston, Gardner;
also REPRESENTATIVE(S) Rutinel and Taggart, Brown, Duran, Froelich,
Lindsay, McCormick.

CONCERNING MODIFICATIONS TO THE EXEMPTIONS FROM THE STERILIZATION
REQUIREMENT UNDER THE "PET ANIMAL CARE AND FACILITIES ACT".

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

SECTION 1. In Colorado Revised Statutes, 35-80-106.4, **amend** (2) and (3)(e); and **add** (2.3) and (2.5) as follows:

35-80-106.4. Sterilization of ownerless dogs and cats required - rules - exceptions - violations. (2) If a licensed veterinarian declares in writing that a sterilization procedure could jeopardize the life ~~or health~~ of the dog or cat, the procedure may be delayed until such time that a veterinarian determines that the dog or cat is fit to undergo the sterilization procedure. At such time, the prospective owner shall have the animal sterilized. If the determination of unfitness for sterilization has been made prior to release, the animal shelter or pet animal rescue may release the dog or cat to the prospective owner, subject to ~~the provisions of this subsection~~ (2).

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2.3) (a) FOR AN ANIMAL BORN IN COLORADO, IF A LICENSED VETERINARIAN DECLARES IN WRITING THAT A STERILIZATION PROCEDURE COULD JEOPARDIZE THE HEALTH OF THE DOG OR CAT, THE PROCEDURE MAY BE DELAYED UNTIL SUCH TIME THAT A VETERINARIAN DETERMINES THAT THE DOG OR CAT IS FIT TO UNDERGO THE STERILIZATION PROCEDURE. AT SUCH TIME, THE PROSPECTIVE OWNER SHALL HAVE THE ANIMAL STERILIZED. IF THE DETERMINATION OF UNFITNESS FOR STERILIZATION HAS BEEN MADE PRIOR TO RELEASE, THE ANIMAL SHELTER OR PET ANIMAL RESCUE MAY RELEASE THE DOG OR CAT TO THE PROSPECTIVE OWNER, SUBJECT TO THE PROVISIONS OF THIS SUBSECTION (2.3).

(b) IF A VETERINARIAN LICENSED IN COLORADO DECLARES IN WRITING THAT A STERILIZATION PROCEDURE IS LIKELY TO CAUSE A SECONDARY ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL CONDITION THAT INVOLVES INPATIENT CARE OR ONGOING OUTPATIENT TREATMENT, THE PROCEDURE MAY BE DELAYED UNTIL SUCH TIME THAT A VETERINARIAN DETERMINES THAT THE DOG OR CAT IS FIT TO UNDERGO THE STERILIZATION PROCEDURE. IF THE DETERMINATION OF UNFITNESS FOR STERILIZATION DUE TO JEOPARDIZING THE HEALTH OF THE ANIMAL HAS BEEN MADE PRIOR TO RELEASE, THE ANIMAL SHELTER OR PET ANIMAL RESCUE MAY RELEASE THE DOG OR CAT TO THE PROSPECTIVE OWNER, SUBJECT TO THIS SUBSECTION (2.3)(b).

(2.5) FOR THE PURPOSES OF THE EXEMPTIONS IN SUBSECTIONS (2) AND (2.3) OF THIS SECTION:

(a) A VETERINARIAN SHALL BASE A DETERMINATION OF UNFITNESS ON SPECIFIC DETAILS REGARDING THE SPECIFIC ANIMAL FOR WHICH AN EXEMPTION IS REQUESTED AND SHALL NOT INCLUDE MULTIPLE ANIMAL EXEMPTION REQUESTS IN ONE DETERMINATION.

(b) THE COMMISSIONER MAY SUBMIT A SIGNED COMPLAINT TO THE STATE BOARD OF VETERINARY MEDICINE IF THE COMMISSIONER HAS REASON TO BELIEVE THAT A VETERINARIAN'S WRITTEN DECLARATION SUBMITTED PURSUANT TO SUBSECTION (2) OR (2.3) OF THIS SECTION IS IN VIOLATION OF SECTION 12-315-112.

(c) AT THE TIME OF LICENSE RENEWAL, EACH ANIMAL SHELTER OR PET ANIMAL RESCUE SHALL PROVIDE THE DEPARTMENT WITH INFORMATION

REGARDING ANIMALS EXEMPTED PURSUANT TO SUBSECTIONS (2) AND (2.3) OF THIS SECTION. THE ANIMAL SHELTER OR PET ANIMAL RESCUE SHALL PROVIDE THE INFORMATION IN THE FORM PROVIDED BY THE DEPARTMENT AND SHALL INCLUDE THE BREED, AGE, CATEGORY OF EXEMPTION, REASONING FOR THE EXEMPTION, AND NAME AND LICENSE NUMBER OF THE VETERINARIAN LICENSED IN COLORADO THAT MADE THE EXEMPTION DETERMINATION.

(3) This section does not apply to:

(e) A facility in an area with limited access to licensed veterinarians that has been granted an exemption by the commissioner; EXCEPT THAT ANY ANIMAL SHELTER OR PET ANIMAL RESCUE THAT IMPORTS UNSTERILIZED DOGS OR CATS INTO THE STATE IS INELIGIBLE FOR AN EXEMPTION.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO