

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 21-135

BY SENATOR(S) Ginal and Zenzinger, Bridges, Buckner, Fields, Kolker, Lee, Pettersen, Story;
also REPRESENTATIVE(S) Duran and Froelich, Bird, Cutter, Gonzales-Gutierrez, Hooton, Jackson, Kipp, McCormick, Sirota, Titone, Valdez A., Amabile, Michaelson Jenet.

CONCERNING A PROHIBITION ON THE USE OF CERTAIN ANIMALS IN A TRAVELING ANIMAL ACT.

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

SECTION 1. In Colorado Revised Statutes, **add** 33-1-126 as follows:

33-1-126. Prohibiting certain animals in a traveling animal act - short title - definitions. (1) THE SHORT TITLE OF THIS SECTION IS THE "TRAVELING ANIMAL PROTECTION ACT".

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CAUSE A PERFORMANCE" MEANS TO ALLOW FOR THE

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.

PARTICIPATION OF AN ANIMAL IN A PERFORMANCE, TO BE RESPONSIBLE FOR A PERFORMANCE, TO FINANCIALLY BENEFIT AS AN OWNER OR OPERATOR FROM A PERFORMANCE, TO FINANCIALLY BENEFIT AS A PERSON WHO OWNS OR CONTROLS A PROPERTY USED FOR A PERFORMANCE, OR TO USE ANY MEANS OF COMMUNICATION FOR THE PURPOSE OF PROMOTING A PERFORMANCE ON BEHALF OF THE OWNER OR OPERATOR OF A PERFORMANCE OR THE VENUE FOR A PERFORMANCE.

(b) "ENVIRONMENTAL EDUCATION PROGRAM" MEANS AN ANIMAL EXHIBITION THAT:

(I) IS DESIGNED BY A PROFESSIONAL TO IMPART KNOWLEDGE OR INFORMATION FOR EDUCATIONAL OR CONSERVATION PURPOSES ABOUT ONE OR MORE ANIMALS' NATURAL BEHAVIOR, HABITAT, LIFE CYCLE, OR SIMILAR PEDAGOGICAL INFORMATION;

(II) IS CONDUCTED BY AN INDIVIDUAL QUALIFIED TO IMPART SUCH INFORMATION; AND

(III) DOES NOT INCLUDE ANY PERFORMANCE OF BEHAVIOR BY AN ANIMAL THAT DOES NOT NATURALLY OCCUR FOR THAT ANIMAL IN THE WILD STATE, EXCEPT FOR INDUSTRY-STANDARD HUSBANDRY PRACTICES FOR VETERINARY PURPOSES.

(c) "PERFORMANCE" MEANS ANY ANIMAL ACT, CIRCUS, RIDE, CARNIVAL, PARADE, RACE, PERFORMANCE, OR SIMILAR UNDERTAKING IN WHICH ANIMALS ARE:

(I) REQUIRED TO PERFORM TRICKS, GIVE RIDES, OR PARTICIPATE AS ACCOMPANIMENTS FOR THE ENTERTAINMENT, AMUSEMENT, OR BENEFIT OF AN AUDIENCE; OR

(II) USED PRIMARILY FOR PHOTOGRAPHIC PURPOSES.

(d) "RODEO" MEANS A COMPETITION INVOLVING LIVESTOCK, AS DEFINED IN SECTION 35-80-102 (9); ALTERNATIVE LIVESTOCK, AS DEFINED IN SECTION 35-41.5-102 (1); OR BOTH.

(e) "TRAVELING ANIMAL ACT" MEANS ANY PERFORMANCE OF AN ANIMAL WHERE THE ANIMAL IS TRANSPORTED TO, FROM, OR BETWEEN

LOCATIONS FOR THE PURPOSE OF THE PERFORMANCE.

(3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A PERSON SHALL NOT CAUSE A PERFORMANCE OF THE FOLLOWING ANIMALS, INCLUDING HYBRIDS OF THE FOLLOWING ANIMALS, WHETHER WILD-BORNE OR CAPTIVE-BRED, IN A TRAVELING ANIMAL ACT:

(a) CETARTIODACTYLA OTHER THAN BISON, CATTLE, DEER, ELK, GOATS, REINDEER, SWINE, AND SHEEP;

(b) FELIDAE OTHER THAN DOMESTIC CATS;

(c) WILD CANIDAE OTHER THAN DOMESTIC DOGS;

(d) MARSUPIALIA;

(e) NONHUMAN PRIMATES;

(f) PERISSODACTYLA OTHER THAN HORSES, DONKEYS, AND MULES;

(g) PINNIPEDIA;

(h) PROBOSCIDEA;

(i) RATITES;

(j) SPHENISCIDAE; AND

(k) URSIDAE.

(4) THIS SECTION DOES NOT PROHIBIT THE USE OF AN ANIMAL SPECIFIED IN SUBSECTION (3) OF THIS SECTION:

(a) IN AN EXHIBITION AT A:

(I) WILDLIFE SANCTUARY; OR

(II) NONMOBILE, PERMANENT INSTITUTION, FACILITY, ZOO, OR AQUARIUM ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS OR THE GLOBAL FEDERATION OF ANIMAL SANCTUARIES, OR ANY SUCCESSOR

ORGANIZATIONS.

(b) IF THE ANIMAL IS LIVESTOCK, AS DEFINED IN SECTION 35-80-102 (9), OR ALTERNATIVE LIVESTOCK, AS DEFINED IN SECTION 35-41.5-102 (1);

(c) AS PART OF AN ENVIRONMENTAL EDUCATION PROGRAM IF:

(I) THE ANIMAL IS NOT USED MORE THAN SIX MONTHS IN A CALENDAR YEAR; AND

(II) THE ANIMAL IS NOT KEPT IN A VEHICLE FOR MORE THAN TWELVE HOURS PER DAY, WHEN THE VEHICLE IS USED TO TRANSPORT OR HOUSE THE ANIMAL WHILE TRAVELING TO, FROM, OR BETWEEN LOCATIONS FOR PERFORMANCE PURPOSES;

(d) BY A UNIVERSITY, COLLEGE, LABORATORY, OR OTHER RESEARCH FACILITY PROPERLY LICENSED OR REGISTERED UNDER THE FEDERAL "ANIMAL WELFARE ACT OF 1970", 7 U.S.C. SEC. 2131 ET SEQ., AS AMENDED, FOR THE PURPOSE OF CONDUCTING RESEARCH;

(e) FOR THE SOLE PURPOSE OF A FILM, AS DEFINED IN SECTION 24-48.5-114 (1), OR A TELEVISION PRODUCTION, IF THE USE IN THE FILM OR TELEVISION PRODUCTION DOES NOT INVOLVE A LIVE ANIMAL EXHIBITION OR PERFORMANCE CONDUCTED BEFORE AN AUDIENCE OR INTERACTION WITH AN AUDIENCE, THE PUBLIC, CLIENTS, OR CUSTOMERS; OR

(f) AT A RODEO OR COUNTY FAIR.

(5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS PER VIOLATION.

(6) THIS SECTION DOES NOT PROHIBIT WORKING DOG TRIALS, LIVESTOCK OR HORSE SHOWS, OR ANY OTHER EXHIBITION INVOLVING LIVESTOCK.

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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
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