

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 19-0375.01 Yelana Love x2295

SENATE BILL 19-158

SENATE SPONSORSHIP

Ginal, Winter

HOUSE SPONSORSHIP

Froelich,

Senate Committees

Local Government
Appropriations

House Committees

Rural Affairs & Agriculture
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE "PET ANIMAL CARE AND**
102 **FACILITIES ACT", AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING SOME OF THE RECOMMENDATIONS CONTAINED**
104 **IN THE 2018 SUNSET REPORT BY THE DEPARTMENT OF**
105 **REGULATORY AGENCIES AND MAKING AN APPROPRIATION.**

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://leg.colorado.gov/>.)

Sunset Process - Senate Local Government Committee. The bill implements some of the recommendations of the department of regulatory

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

HOUSE
2nd Reading Unamended
April 29, 2019

SENATE
3rd Reading Unamended
April 24, 2019

SENATE
Amended 2nd Reading
April 23, 2019

agencies' sunset review and report on the Colorado "Pet Animal Care and Facilities Act" (Act) as follows:

- ! As it relates to an owner who fails to provide a pet animal facility with documentation that the owner's animal was sterilized within 90 days after agreeing to the sterilization, removes the option to donate the sterilization deposit to a local dedicated spay and neuter fund instead of the pet overpopulation fund and repeals language allowing a facility to reclaim the animal (**section 3**);
- ! Adds as grounds for discipline under the Act, a violation of any statute, rule, or regulation pertaining to animal health and fitness promulgated by a local, state, or federal authority where the licensee's or applicant's facility is located (**section 4**);
- ! Adds as grounds for discipline under the Act, a conviction of a local, state, or federal offense involving the theft, importation, capture, neglect, or abuse of an animal (**section 4**);
- ! Extends the 2-year waiting period that a licensee whose license has been revoked must wait before applying for a new license to a principal, officer, director, manager, or any other person who has substantial control or authority over the daily operations of the entity, regardless of the reason for the revocation (**section 4**);
- ! Extends the commissioner of agriculture's authority to discipline a licensee or deny a license to an applicant for crimes involving animal cruelty to cases where a licensee or applicant has entered a plea of no contest (**section 4**);
- ! Requires that all fines collected under the act be credited to the general fund instead of the pet animal care and facility fund (**section 5**); and
- ! Appropriates \$144,927 to the department of agriculture for the purpose of increasing inspection and investigative functions under the Act (**section 6**).

The bill also continues the Act for 7 years, until September 1, 2026 (**sections 1 and 2**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (17)(a)(IX); and **add** (27)(a)(VIII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for repeal, continuation, or reestablishment - legislative**
2 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
3 are scheduled for repeal on September 1, 2019:

4 (IX) ~~The licensing of pet animal facilities by the commissioner of~~
5 ~~agriculture in accordance with article 80 of title 35, C.R.S.;~~

6 (27) (a) The following agencies, functions, or both, are scheduled
7 for repeal on September 1, 2026:

8 (VIII) THE LICENSING OF PET ANIMAL FACILITIES BY THE
9 COMMISSIONER OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 80 OF
10 TITLE 35.

11 **SECTION 2.** In Colorado Revised Statutes, 35-80-117, **amend**
12 (1) and (2) as follows:

13 **35-80-117. Repeal of article - sunset review - report to general**
14 **assembly.** (1) This ~~article~~ ARTICLE 80 is repealed, effective September
15 1, ~~2019~~ 2026.

16 (2) ~~Prior to such~~ BEFORE THE repeal, the licensing functions of the
17 commissioner ~~shall be reviewed as provided for in~~ ARE SCHEDULED FOR
18 REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

19 **SECTION 3.** In Colorado Revised Statutes, **35-80-106.4, amend**
20 **(1), (3) introductory portion, and (3)(d); repeal (3)(c); and add (3)(e) as**
21 **follows:**

22 **35-80-106.4. Sterilization of ownerless dogs and cats required**
23 **- rules - exceptions - violations.** (1) An animal shelter or pet animal
24 rescue shall not release a dog or cat to a prospective owner unless

25 (a) the animal has been sterilized by a licensed veterinarian. or

26 (b) (I) The prospective owner signs an agreement to have the
27 animal sterilized by a licensed veterinarian within ninety days after the

1 date of release and deposits a fee, in an amount specified by rule of the
2 commissioner, with the animal shelter or pet animal rescue.

3 (H) Upon receiving a written statement from the licensed
4 veterinarian who performed the sterilization procedure that the dog or cat
5 has been sterilized, the animal shelter or pet animal rescue shall refund
6 the deposit to the prospective owner.

7 (HH) If the prospective owner fails to provide the animal shelter
8 or pet animal rescue with a written statement from a licensed veterinarian
9 stating that the veterinarian performed a sterilization procedure on the dog
10 or cat within ninety days after signing the agreement:

11 (A) The prospective owner shall forfeit the deposit and the animal
12 shelter or pet animal rescue shall forward the amount of the deposit to the
13 pet overpopulation fund created in section 35-80-116.5 (5) or a local
14 dedicated spay and neuter fund; and

15 (B) The animal shelter or pet animal rescue may promptly reclaim
16 the animal from the prospective owner.

17 (3) This section shall DOES not apply to:

18 (c) Animal shelters or pet animal rescues with existing
19 sterilization programs that ensure that every dog or cat is sterilized before
20 being released; or

21 (d) Public animal shelters eligible for waiver of licensing fees
22 pursuant to rules promulgated by the commissioner; OR

23 (e) A FACILITY IN AN AREA WITH LIMITED ACCESS TO LICENSED
24 VETERINARIANS THAT HAS BEEN GRANTED AN EXEMPTION BY THE
25 COMMISSIONER. _____

26 **SECTION 4.** In Colorado Revised Statutes, 35-80-112, **amend**
27 (1) introductory portion, (1)(b), and (3); and **add** (4) as follows:

1 **35-80-112. Disciplinary actions - denial of license - definition.**

2 (1) The commissioner, pursuant to the provisions of article 4 of title 24,
3 ~~C.R.S.~~, may issue letters of admonition or deny, suspend, refuse to renew,
4 restrict, or revoke any license authorized under this ~~article~~ ARTICLE 80 if
5 the applicant or licensee:

6 (b) Has been convicted of A LOCAL, STATE, OR FEDERAL OFFENSE
7 INVOLVING THE THEFT, IMPORTATION, CAPTURE, NEGLIGENCE, OR ABUSE OF
8 AN ANIMAL; OR cruelty to animals as defined in article 9 of title 18,
9 ~~C.R.S.~~, or any similar statute of any other state;

10 == ==

11 (3) No licensee whose license has been revoked may apply or
12 reapply for a license under this ~~article~~ ARTICLE 80 until two years after the
13 date of the revocation. ~~In the case of an entity whose license was revoked~~
14 ~~under paragraph (b) of subsection (1) of this section,~~ The two-year period
15 of ineligibility also applies to a principal, officer, director, manager, or
16 any other person who has substantial control or authority over the daily
17 operations of the entity, whether ~~he or she~~ THE PERSON applies
18 individually or as a principal, officer, director, manager, or other person
19 who has or would have substantial control or authority over the daily
20 operations of the same or a different entity.

21 (4) AS USED IN THIS SECTION, "CONVICTED" MEANS HAVING
22 ENTERED A PLEA OF GUILTY, INCLUDING A PLEA OF GUILTY ENTERED
23 PURSUANT TO A DEFERRED SENTENCE UNDER SECTION 18-1.3-102, OR A
24 PLEA OF NO CONTEST, ACCEPTED BY THE COURT, OR HAVING RECEIVED A
25 VERDICT OF GUILTY BY A JUDGE OR JURY.

26 **SECTION 5.** In Colorado Revised Statutes, **amend** 35-80-116 as
27 follows:

1 **35-80-116. Pet animal care and facility fund - fees - fines.**

2 (1) All fees ~~and civil fines~~ collected pursuant to this ~~article~~ ARTICLE 80
3 shall be transmitted to the state treasurer who shall credit the ~~same~~ FEE to
4 the pet animal care and facility fund, which fund is hereby created. All
5 ~~moneys~~ MONEY credited to the fund ~~shall be~~ IS a part of the fund and shall
6 not be transferred or credited to the general fund or to any other fund
7 except as directed by the general assembly acting by bill. Notwithstanding
8 the provisions of this section to the contrary, all interest derived from the
9 deposit and investment of this fund shall be credited to the general fund,
10 in accordance with section 24-36-114. ~~C.R.S.~~ The general assembly shall
11 make annual appropriations from the fund to the department of
12 agriculture for direct and indirect expenses incurred in carrying out the
13 purposes of this section.

14 (2) ALL CIVIL FINES COLLECTED PURSUANT TO THIS ARTICLE 80
15 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
16 THEM TO THE GENERAL FUND.

17 **SECTION 6. Appropriation.** (1) For the 2019-20 state fiscal
18 year, \$123,007 is appropriated to the department of agriculture. This
19 appropriation is from the general fund. To implement this act, the
20 department may use this appropriation as follows:

21 (a) \$121,007 for the animal industry division, which amount is
22 based on an assumption that the department will require an additional 1.6
23 FTE; and

24 (b) \$2,000 for vehicle lease payments.

25 (2) For the 2019-20 state fiscal year, \$2,000 is appropriated to the
26 department of personnel. This appropriation is from reappropriated funds
27 received from the department of agriculture under subsection (1)(b) of

1 this section. To implement this act, the department of personnel may use
2 this appropriation to provide vehicles for the department of agriculture.

3 **SECTION 7. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly (August 2, 2019, if adjournment sine die is on May 3,
7 2019); except that, if a referendum petition is filed pursuant to section 1
8 (3) of article V of the state constitution against this act or an item, section,
9 or part of this act within such period, then the act, item, section, or part
10 will not take effect unless approved by the people at the general election
11 to be held in November 2020 and, in such case, will take effect on the
12 date of the official declaration of the vote thereon by the governor.

13 (2) This act applies to conduct occurring on or after the applicable
14 effective date of this act.