

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

February 20, 2020

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB20-125 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5 **33-1-126. Prohibiting certain animals in a traveling animal act**  
6 **- short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE  
7 "TRAVELING EXOTIC ANIMAL SAFETY PROTECTION ACT".

8 (2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
9 OTHERWISE REQUIRES:

10 (a) "CAUSE A PERFORMANCE" MEANS TO ALLOW FOR THE  
11 PARTICIPATION OF AN ANIMAL IN A PERFORMANCE, TO BE RESPONSIBLE  
12 FOR A PERFORMANCE, TO FINANCIALLY BENEFIT AS AN OWNER OR  
13 OPERATOR FROM A PERFORMANCE, TO FINANCIALLY BENEFIT AS A PERSON  
14 WHO OWNS OR CONTROLS A PROPERTY USED FOR A PERFORMANCE, OR TO  
15 USE ANY MEANS OF COMMUNICATION FOR THE PURPOSE OF PROMOTING A  
16 PERFORMANCE ON BEHALF OF THE OWNER OR OPERATOR OF A  
17 PERFORMANCE OR THE VENUE FOR A PERFORMANCE.

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

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

1 (II) IS CONDUCTED BY AN INDIVIDUAL QUALIFIED TO IMPART SUCH  
2 INFORMATION; AND  
3 (III) DOES NOT INCLUDE ANY PERFORMANCE OF BEHAVIOR BY AN  
4 ANIMAL THAT DOES NOT NATURALLY OCCUR FOR THAT ANIMAL IN THE  
5 WILD STATE, EXCEPT FOR INDUSTRY-STANDARD HUSBANDRY PRACTICES  
6 FOR VETERINARY PURPOSES.  
7 (c) "PERFORMANCE" MEANS ANY ANIMAL ACT, CIRCUS, RIDE,  
8 CARNIVAL, PARADE, RACE, PERFORMANCE, OR SIMILAR UNDERTAKING IN  
9 WHICH ANIMALS ARE:  
10 (I) REQUIRED TO PERFORM TRICKS, GIVE RIDES, OR PARTICIPATE AS  
11 ACCOMPANIMENTS FOR THE ENTERTAINMENT, AMUSEMENT, OR BENEFIT  
12 OF AN AUDIENCE; OR  
13 (II) USED PRIMARILY FOR PHOTOGRAPHIC PURPOSES.  
14 (d) "TRAVELING ANIMAL ACT" MEANS ANY PERFORMANCE OF AN  
15 ANIMAL WHERE THE ANIMAL IS TRANSPORTED TO, FROM, OR BETWEEN  
16 LOCATIONS FOR THE PURPOSE OF THE PERFORMANCE.  
17 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A  
18 PERSON SHALL NOT CAUSE A PERFORMANCE OF THE FOLLOWING ANIMALS,  
19 INCLUDING HYBRIDS OF THE FOLLOWING ANIMALS, WHETHER WILD-BORNE  
20 OR CAPTIVE-BRED, IN A TRAVELING ANIMAL ACT:  
21 (a) CETARTIODACTYLA OTHER THAN BISON, CATTLE, DEER, ELK,  
22 GOATS, REINDEER, SWINE, AND SHEEP;  
23 (b) FELIDAE OTHER THAN DOMESTIC CATS;  
24 (c) WILD CANIDAE OTHER THAN DOMESTIC DOGS;  
25 (d) MARSUPIALIA;  
26 (e) NONHUMAN PRIMATES;  
27 (f) PERISSODACTYLA OTHER THAN HORSES, DONKEYS, AND MULES;  
28 (g) PINNIPEDIA;  
29 (h) PROBOSCIDEA;  
30 (i) RATITES;  
31 (j) SPHENISCIDAE; AND  
32 (k) URSIDAE.  
33 (4) THIS SECTION DOES NOT PROHIBIT THE USE OF AN ANIMAL  
34 SPECIFIED IN SUBSECTION (3) OF THIS SECTION:  
35 (a) IN AN EXHIBITION AT A:  
36 (I) WILDLIFE SANCTUARY; OR  
37 (II) NONMOBILE, PERMANENT INSTITUTION, FACILITY, ZOO, OR  
38 AQUARIUM ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS  
39 OR THE GLOBAL FEDERATION OF ANIMAL SANCTUARIES, OR ANY  
40 SUCCESSOR ORGANIZATIONS;  
41 (b) IF THE ANIMAL IS LIVESTOCK, AS DEFINED IN SECTION

1 35-80-102 (9), OR ALTERNATIVE LIVESTOCK, AS DEFINED IN SECTION  
2 35-41.5-102 (1);

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

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

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

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

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

18 **SECTION 2. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect July 1, 2021; except that, if a  
20 referendum petition is filed pursuant to section 1 (3) of article V of the  
21 state constitution against this act or an item, section, or part of this act  
22 within the ninety-day period after final adjournment of the general  
23 assembly, then the act, item, section, or part will not take effect unless  
24 approved by the people at the general election to be held in November  
25 2020 and, in such case, will take effect July 1, 2021.

26 (2) This act applies to offenses committed on or after the  
27 applicable effective date of this act."

28 Page 1, line 101, after "OF" insert "CERTAIN".

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