

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0375.01 Yelana Love x2295

SENATE BILL 19-158

SENATE SPONSORSHIP

Ginal,

HOUSE SPONSORSHIP

Froelich,

Senate Committees
Local Government

House Committees

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.

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 Extends the 2-year waiting period that a licensee whose license has been revoked must wait before applying for a new license to a principal, officer, director, manager, or any other person who has substantial control or authority over the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)(b)(III) as follows:

21 **35-80-106.4. Sterilization of ownerless dogs and cats required**
22 **- rules - exceptions - violations.** (1) An animal shelter or pet animal
23 rescue shall not release a dog or cat to a prospective owner unless:

24 (b) (III) If the prospective owner fails to provide the animal
25 shelter or pet animal rescue with a written statement from a licensed
26 veterinarian stating that the veterinarian performed a sterilization
27 procedure on the dog or cat within ninety days after signing the

1 agreement,

2 (A) the prospective owner shall forfeit the deposit and the animal
3 shelter or pet animal rescue shall forward the amount of the deposit to the
4 pet overpopulation fund created in section 35-80-116.5 (5). ~~or a local~~
5 ~~dedicated spay and neuter fund; and~~

6 (B) ~~The animal shelter or pet animal rescue may promptly reclaim~~
7 ~~the animal from the prospective owner.~~

8 **SECTION 4.** In Colorado Revised Statutes, 35-80-112, **amend**
9 (1) introductory portion, (1)(b), (1)(d), (1)(e), and (3); and **add** (1)(f) and
10 (4) as follows:

11 **35-80-112. Disciplinary actions - denial of license - definition.**

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

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

20 (d) Has refused to provide the commissioner with reasonable,
21 complete, and accurate information regarding the care of animals when
22 requested by the commissioner; ~~or~~

23 (e) Has falsified any information requested by the commissioner;

24 OR

25 (f) HAS BEEN CONVICTED OR FOUND IN VIOLATION OF ANY
26 STATUTE, RULE, OR REGULATION PERTAINING TO ANIMAL HEALTH AND
27 FITNESS PROMULGATED BY A LOCAL, STATE, OR FEDERAL GOVERNMENT

1 WHERE THE LICENSEE'S OR APPLICANT'S FACILITY IS LOCATED.

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

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

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

19 **35-80-116. Pet animal care and facility fund - fees - fines.**

20 (1) All fees ~~and civil fines~~ collected pursuant to this ~~article~~ ARTICLE 80
21 shall be transmitted to the state treasurer who shall credit the ~~same~~ FEE to
22 the pet animal care and facility fund, which fund is hereby created. All
23 ~~moneys~~ MONEY credited to the fund ~~shall be~~ IS a part of the fund and shall
24 not be transferred or credited to the general fund or to any other fund
25 except as directed by the general assembly acting by bill. Notwithstanding
26 the provisions of this section to the contrary, all interest derived from the
27 deposit and investment of this fund shall be credited to the general fund,

1 in accordance with section 24-36-114. ~~C.R.S.~~ The general assembly shall
2 make annual appropriations from the fund to the department of
3 agriculture for direct and indirect expenses incurred in carrying out the
4 purposes of this section.

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

8 **SECTION 6. Appropriation.** For the 2019-20 state fiscal year,
9 \$144,927 is appropriated to the department of agriculture for use by the
10 inspection and consumer services division. This appropriation is from the
11 general fund and is based on an assumption that the department will
12 require an additional 2.0 FTE. To implement this act, the department may
13 use this appropriation to provide additional inspection and investigative
14 services.

15 **SECTION 7. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 2, 2019, if adjournment sine die is on May 3,
19 2019); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2020 and, in such case, will take effect on the
24 date of the official declaration of the vote thereon by the governor.

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