



## **The Pet Animal Care and Facilities Act**

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This *issue brief* provides an overview of state laws related to pet animal facilities. These facilities are licensed and regulated under the Colorado Pet Animal Care and Facilities Act (PACFA).<sup>1</sup>

Under PACFA, any place that is used for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals must be licensed as a pet animal care facility by the Colorado Department of Agriculture (CDA).

Pet animals include dogs, cats, rabbits, guinea pigs, hamsters, mice, rats, gerbils, ferrets, birds, fish, reptiles, amphibians, and invertebrates or any other species of wild, domestic, or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet. Livestock and animals that are used for working purposes on a farm or ranch are not considered pet animals.

### **Facility Licensing**

All pet animal facilities must be licensed under PACFA by the CDA, and licenses must be renewed annually. It is unlawful, and considered to be a deceptive trade practice under the Colorado Consumer Protection Act, to perform any of the acts of a pet animal facility, or to solicit, advertise, or offer to perform any of the acts for which licensure as a pet animal facility is required without possessing a valid license to perform such acts.

Licenses may be denied, suspended, or revoked under several circumstances, including if the

applicant or licensee, or any other individual who may have substantial control or authority over the licensee or over daily operations, has been convicted of cruelty to animals or animal fighting.

### **Number of PACFA Licensees in Colorado As of November 2018**

<b>License Type</b>	<b>Number of Licensees</b>
Bird breeder	14
Cat breeder	12
Small-scale dog breeder	167
Large-scale dog breeder	26
Small animal breeder	35
Reptile/amphibian breeder	6
Animal rescue	160
Small-scale animal shelter	135
Large-scale animal shelter	15
Animal sanctuary	14
Pet boarding/training	578
Pet handler	76
Pet transporter	79
Retailer/wholesaler	172
Retail aquarium only	68
Grooming and wash facilities	1,194

*Source: Colorado Department of Agriculture.*

### **PACFA Administration and Enforcement**

The Commissioner of Agriculture, the head of the CDA, administers and enforces the provisions of PACFA. Additionally, the commissioner is

<sup>1</sup>Section 35-80-101, *et seq.*, C.R.S.

authorized to promulgate rules for the administration and enforcement of PACFA, including rules that establish the minimum standards for a physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, and medical treatment. Rules promulgated by the commissioner can be found in 8 CCR 1202-15.

The commissioner is authorized to conduct inspections of licensees, either upon the commissioner's own motion or upon receiving a complaint from any person, to ensure the licensee's compliance with PACFA. The commissioner may issue a cease-and-desist order whenever the commissioner has reasonable cause to believe a violation of PACFA or the associated rules has occurred and immediate enforcement is deemed necessary.

***Pet Animal Advisory Committee.*** The Pet Animal Advisory Committee was created under PACFA to advise the commissioner in establishing regulations and provide an ongoing review of PACFA. The committee is comprised of 17 members, including representatives of boarding kennels, the dog day care industry, pet groomers, animal rescues and shelters, breeders, and others.

## **Additional Provisions**

PACFA includes several additional provisions related to:

- required holding periods and sterilization for shelter and rescue pets;
- record-keeping requirements;
- unlawful acts;
- civil and criminal penalties;
- the Pet Overpopulation Authority; and
- the Pet Overpopulation and Pet Animal Care and Facility Funds.

## **Exemptions**

Several types of entities and individuals are exempt from the provisions within PACFA, including:

- veterinary hospitals that board pet animals for veterinary medical care;
- any research facility, circus, zoological park, or petting zoo licensed under the federal Animal Welfare Act of 1970;
- hobby breeder facilities;
- pet animal training facilities where the pet animal owner is present during the duration of the animal's stay;
- any kennel operated for the breeding, sale, or racing of racing greyhounds that are not intended to be companion pets;
- wildlife regulated by the Colorado Department of Natural Resources;
- livestock;
- any owner, breeder, handler, or trainer while transporting a pet animal to or from, exhibiting, or competing at any event licensed, regulated, or sanctioned by the American Kennel Club, United Kennel Club, or any other nationally recognized registered organization;
- wildlife sanctuaries;
- individuals boarding no more than three pet animals at one time; and
- any company that is not a pet animal facility that uses technology in its business model.

## **Sunset Review**

PACFA was initially adopted in 1994, and has undergone sunset reviews by the Colorado Department of Regulatory Agencies (DORA) in 1999, 2008, 2013, and 2018. The 2018 sunset review report can be found at:

<https://drive.google.com/file/d/1UIHSIMNrdACKP0RL6LdEEvBr-auWKtc4/view>

PACFA is scheduled to repeal September 1, 2019; however, DORA has recommended that it be continued through 2030.