

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0339.01 Kate Meyer

HOUSE BILL 09-1172

HOUSE SPONSORSHIP

McCann, Fischer

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCREASE IN THE PROTECTION OF ANIMALS UNDER**
102 **THE "PET ANIMAL CARE AND FACILITIES ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Limits the number of unsterilized dogs over 6 months of age that a dog breeder may keep on premises licensed under the "Pet Animal Care and Facilities Act" (Act). Exempts from the limitation dogs that are, for a fee or other form of compensation, being boarded temporarily.

Mandates annual certification by a licensed veterinarian that a dog is suitably healthy for breeding before the dog may be bred. Authorizes the commissioner of agriculture (commissioner) to promulgate rules to

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

effect such certification.

Allows the commissioner to inspect at any time premises or records for the purpose of carrying out provisions of the Act.

Makes denial or revocation of a license issued pursuant to the Act mandatory when the licensee or prospective licensee has been convicted of cruelty to animals.

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

2 **SECTION 1.** Article 80 of title 35, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **35-80-106.7. Dogs - limit on number of unsterilized adult dogs**
5 **that may be kept at one time by a dog breeder - annual veterinary**
6 **certification for breeding - applicability.** (1) (a) NO DOG BREEDER
7 SHALL, AT ANY ONE TIME, MAINTAIN ON PREMISES LICENSED UNDER THIS
8 ARTICLE MORE THAN TWENTY-FIVE UNSTERILIZED DOGS THAT ARE OVER
9 SIX MONTHS OF AGE.

10 (b) THIS SUBSECTION (1) SHALL NOT APPLY TO DOGS THAT ARE
11 TEMPORARILY BOARDED ON PREMISES LICENSED UNDER THIS ARTICLE FOR
12 A FEE OR SOME OTHER FORM OF COMPENSATION.

13 (2) NO DOG BREEDER SHALL BREED ANY DOG UNLESS A
14 VETERINARIAN CERTIFIES THAT THE DOG IS IN SUITABLE HEALTH FOR
15 BREEDING. SUCH CERTIFICATION SHALL BE OBTAINED ANNUALLY FOR
16 EACH DOG SOUGHT TO BE BRED ON OR BEFORE THE DATE ESTABLISHED BY
17 THE COMMISSIONER PURSUANT TO SECTION 35-80-109 (2) (a.3).

18 (3) THIS SECTION SHALL APPLY IN ADDITION TO ANY OTHER
19 APPLICABLE LAWS AND RULES RELATED TO THE CARE OF DOGS IN PET
20 ANIMAL FACILITIES.

21 **SECTION 2.** 35-80-109 (2), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1 **35-80-109. Powers and duties of the commissioner - rules.**

2 (2) The commissioner is authorized to adopt all reasonable rules for the
3 administration and enforcement of this article, including, but not limited
4 to:

5 (a.3) THE IMPLEMENTATION OF THE REQUIREMENT FOR ANNUAL
6 VETERINARY CERTIFICATION OF DOGS THAT ARE SOUGHT TO BE USED FOR
7 BREEDING PURSUANT TO SECTION 35-80-106.7 (2), INCLUDING THE
8 ESTABLISHMENT OF ANY MINIMUM CRITERIA AND STANDARDS;

9 **SECTION 3.** 35-80-110 (3), Colorado Revised Statutes, is
10 amended to read:

11 **35-80-110. Inspections - investigations - access - subpoena.**

12 (3) At any ~~reasonable time during regular business hours~~ TIME, the
13 commissioner shall have free and unimpeded access upon consent or
14 upon obtaining an administrative search warrant:

15 (a) To those portions of all buildings, yards, pens, and other areas
16 in which any animals are kept, handled, or transported for the purpose of
17 carrying out any provision of this article or any rule promulgated pursuant
18 to this article; and

19 (b) To all records required to be kept and may make copies of
20 such records for the purpose of carrying out any provision of this article
21 or any rule promulgated pursuant to this article.

22 **SECTION 4.** 35-80-112.5, Colorado Revised Statutes, is
23 amended to read:

24 **35-80-112.5. Denial of license - animal cruelty conviction.**

25 (1) The commissioner, pursuant to the provisions of article 4 of title 24,
26 C.R.S., ~~may~~ SHALL deny, refuse to renew, or revoke any license
27 authorized under this article if the applicant or licensee has been

1 convicted of OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO AN
2 ACT OF cruelty to animals pursuant to PART 2 OF article 9 of title 18,
3 C.R.S., or any similar statute of any other state.

4 (2) ~~Notwithstanding subsection (1) of this section, the~~
5 ~~commissioner, pursuant to the provisions of article 4 of title 24, C.R.S.,~~
6 ~~shall deny, refuse to renew, or revoke any license authorized under this~~
7 ~~article if the applicant or licensee has been convicted, at any time, of one~~
8 ~~or more violations of section 18-9-202, C.R.S., the underlying factual~~
9 ~~basis of which has been found by the court to include the knowing or~~
10 ~~intentional torture or torment of an animal which needlessly injures,~~
11 ~~mutilates, or kills an animal.~~

12 **SECTION 5. Act subject to petition - effective date.** (1) This
13 act shall take effect January 1, 2011.

14 (2) However, if a referendum petition is filed against this act or
15 an item, section, or part of this act during the 90-day period after final
16 adjournment of the general assembly that is allowed for submitting a
17 referendum petition pursuant to article V, section 1 (3) of the state
18 constitution, then the act, item, section, or part, shall not take effect unless
19 approved by the people at a biennial regular general election and shall
20 take effect on the date specified in subsection (1) or on the date of the
21 official declaration of the vote thereon by proclamation of the governor,
22 whichever is later.