

## COLORADO NO-KILL PET ANIMAL ACT

Proposed amendments to Colorado Revised Statutes Pet Animal Care Facilities Act CRS 35-80-100 *et seq.*

C.R.S. § 35-80-106.3. "Animal holding periods - disposition of unclaimed animals - immunity from actions over disposition of a pet animal" is hereby amended as follows:

IT IS HEREBY RECOGNIZED THAT THE CITIZENS OF THE STATE OF COLORADO VALUE PET ANIMALS AND DO NOT WANT THEIR TAX DOLLARS SUBSIDIZING THE NEEDLESS KILLING OF HOMELESS ANIMALS. EUTHANASIA SHOULD BE RESERVED FOR CASES IN WHICH A PET ANIMAL IS EXPERIENCING EXTREME PAIN AND SUFFERING, NOT AS A SOLUTION FOR REDUCING THE HOMELESS ANIMAL POPULATION. COLORADOANS WILL BLAZE A NEW TRAIL BY ENACTING THE FIRST STATEWIDE LAW AIMED AT REDUCING ITS HOMELESS ANIMAL POPULATION THROUGH HUMANE EFFORTS RATHER THAN KILLING. ACCORDINGLY, IT IS IN THE PUBLIC POLICY OF THE STATE OF COLORADO TO PROHIBIT ANIMAL SHELTERS AND PET ANIMAL RESCUES THAT OPERATE WITHIN THE STATE OF COLORADO FROM DISPOSING OF PET ANIMALS IN THEIR CARE AND CUSTODY EXCEPT IN ACCORDANCE WITH THIS STATUTE.

(1) DEFINITIONS:

- (A) "ANIMAL SHELTER" HAS THE SAME MEANING AS SET FORTH IN C.R.S. §35-80-102(1) WHICH MEANS A PUBLIC OR PRIVATE FACILITY LICENSED PURSUANT TO ARTICLE 80 (PET ANIMAL CARE AND FACILITIES ACT) AND THE RULES AND REGULATIONS ADOPTED PURSUANT THERETO.
- (B) "DISPOSE" OR "DISPOSITION" HAS THE SAME MEANING AS SET FORTH IN C.R.S. §35-80-102(6.3) AND MEANS ADOPTION OF A PET ANIMAL, RETURN OF A PET ANIMAL TO THE OWNER, RELEASE OF A PET ANIMAL TO A RESCUE GROUP LICENSED PURSUANT TO THIS ARTICLE, RELEASE OF A PET ANIMAL TO ANOTHER PET ANIMAL FACILITY LICENSED PURSUANT TO THIS ARTICLE OR TO A REHABILITATOR LICENSED BY THE DIVISION OF PARKS AND WILDLIFE OR THE UNITED STATES FISH AND WILDLIFE SERVICE, OR EUTHANASIA.
- (C) "EUTHANASIA" HAS THE SAME MEANING AS SET FORTH IN C.R.S. §35-80-102(7) AND MEANS TO PRODUCE A HUMANE DEATH BY TECHNIQUES ACCEPTED BY THE AMERICAN VETERINARY MEDICAL ASSOCIATION.
- (D) "PET ANIMAL" HAS THE SAME MEANING AS SET FORTH IN C.R.S. §35-80-102(10) AND MEANS DOGS, CATS, RABBITS, GUINEA PIGS, HAMSTERS, MICE, RATS, GERBILS, FERRETS, BIRDS, FISH, REPTILES, AMPHIBIANS, AND INVERTEBRATES, OR ANY OTHER SPECIES OF WILD OR DOMESTIC OR HYBRID ANIMAL SOLD, TRANSFERRED, OR RETAINED FOR THE PURPOSE OF BEING KEPT AS A HOUSEHOLD PET, EXCEPT LIVESTOCK OR ANIMALS THAT ARE USED FOR WORKING PURPOSES ON A FARM OR RANCH.
- (E) "PET ANIMAL RESCUE" HAS THE SAME MEANING AS C.R.S. §35-80-102(11.2) AND MEANS ANY PERSON LICENSED PURSUANT TO THIS ARTICLE WHO ACCEPTS PET ANIMALS FOR THE PURPOSE OF FINDING PERMANENT ADOPTIVE HOMES FOR ANIMALS AND DOES NOT MAINTAIN A CENTRAL FACILITY FOR KEEPING ANIMALS,

BUT RATHER USES A SYSTEM OF FOSTERING IN PRIVATE HOMES OR BOARDING OR KEEPING PETS IN LICENSED PET ANIMAL FACILITIES.

(2) Any pet animal held by or in the custody of a licensed animal shelter, whether public or private, OR HELD BY A PET ANIMAL RESCUE and not reclaimed by the owner shall be held by the animal shelter for a minimum of five days after acquisition by the animal shelter before it may become available for adoption or otherwise disposed of IN ACCORDANCE WITH THIS SECTION ~~at the discretion of by the animal shelter~~; except that a shelter supervisor may determine that a pet animal without identification, including but not limited to a microchip or collar, may be disposed of in three days. ~~if such shelter supervisor determines the shelter has no additional resources for such pet animal or determines that such pet animal is dangerous.~~ For purposes of this section, "days" means days during which the shelter is open to the public. If the animal shelter acquires the pet animal from the owner or an authorized representative of the owner, the pet animal ~~becomes the property of the animal shelter at the time of transfer of the pet animal, and the pet animal may be~~ PLACED FOR ADOPTION IMMEDIATELY or disposed of IN ACCORDANCE WITH THIS SECTION ~~by and at the discretion of the animal shelter.~~ If the pet animal is abandoned, as defined in section 18-9-201 (1), C.R.S., the pet animal ~~becomes the property of the animal shelter upon acquisition and may be~~ PLACED FOR ADOPTION IMMEDIATELY OR DISPOSED OF IN ACCORDANCE WITH THIS SECTION ~~disposed of by and at the discretion of the animal shelter.~~ The animal shelter shall be the steward of stray animals for the purposes of providing prophylactic veterinary care under the written protocol and direction of the shelter veterinarian. EUTHANASIA OF A pet animal IS ONLY AUTHORIZED AS A METHOD OF "DISPOSITION" WHEN, in the WRITTEN opinion of a veterinarian WHO HAS EXAMINED THE ANIMAL ~~or the animal shelter supervisor, if a veterinarian is not available,~~ THE PET ANIMAL IS ~~are~~ experiencing extreme pain or suffering. IN SUCH CIRCUMSTANCE, THE PET ANIMAL may be disposed of immediately by the animal shelter through euthanasia after the animal shelter has exhausted reasonable efforts to contact the owner; however, for pet animals with identification, the animal shelter shall exhaust reasonable efforts to contact the owner for up to twenty-four hours.

(2) An animal shelter and any employee thereof that complies with the minimum holding period as set forth in subsection (1) of this section or that disposes of a pet animal in accordance with the provisions of subsection (1) of this section for owner-surrendered animals, abandoned animals, or suffering animals shall be immune from liability in a civil action brought by the owner of a pet animal for the shelter's disposition of a pet animal.

(3) Nothing in this section shall preclude a town, city, city and county, or county from adopting, maintaining, or enforcing an ordinance that exceeds the minimum holding period as set forth in subsection (1) of this section. Nothing in this section shall preclude a licensed animal shelter, whether public or private, from adopting, maintaining, or following a policy that exceeds the minimum holding period as set forth in subsection (1) of this section.

C.R.S. §35-80-113. "Civil penalties" is amended to read:

35-80-113. Civil penalties

(1) Any person who violates any provision of this article or any rule adopted pursuant to this article is subject to a civil penalty, as determined by the commissioner, WITH THE EXCEPTION OF A VIOLATION OF THE EUTHANASIA EXCEPTION CONTAINED IN C.R.S. §35-

80-106.3 (1) IN WHICH CASE THE COMMISSIONER SHALL ASSESS A MANDATORY CIVIL PENALTY OF ONE THOUSAND DOLLARS PER VIOLATION. The maximum penalty for ALL OTHER VIOLATIONS shall not exceed one thousand dollars per violation.

(2) No civil penalty may be imposed unless the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S.

(3) If the commissioner is unable to collect such civil penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the commissioner, the commissioner may:

(a) Bring suit to recover the amount of the civil penalty plus costs and attorney fees by action in any court of competent jurisdiction; or

(b) Refuse to renew any license authorized under this article that was issued to a person who has not paid the civil penalty pursuant to section 35-80-106 (4).

ADD:

(4) IN ADDITION TO ENFORCEMENT BY THE COMMISSIONER, THERE SHALL BE A PRIVATE RIGHT OF ACTION TO ENFORCE VIOLATIONS OF THE EUTHANASIA EXCEPTION CONTAINED IN C.R.S. §35-80-106.3. ANY INDIVIDUAL OR ENTITY RESIDING IN OR DOMICILED UNDER THE LAWS OF THE STATE OF COLORADO MAY BRING SUIT IN A COURT OF COMPETENT JURISDICTION TO COMPEL AN ANIMAL SHELTER OR PET ANIMAL RESCUE TO FOLLOW THE MANDATES OF THIS LAW THROUGH A LAWSUIT REQUESTING DECLARATORY AND INJUNCTIVE RELIEF INCLUDING, BUT NOT LIMITED TO: RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, INJUNCTIONS, WRITS OF MANDAMUS AND PROHIBITION, INCLUDING AN ACTION FOR DAMAGES AND/OR AND OTHER APPROPRIATE REMEDIES AT LAW WHICH WILL COMPEL COMPLIANCE WITH THE EUTHANASIA EXCEPTION OR IMPOSE A CIVIL PENALTY FOR VIOLATION OF THE EUTHANASIA EXCEPTION. THE PREVAILING PARTY WILL BE ENTITLED TO LIQUIDATED DAMAGES IN THE AMOUNT OF ONE THOUSAND DOLLARS PER INDIVIDUAL PET ANIMAL EUTHANIZED IN VIOLATION OF CRS 35-80-106.3, PLUS COSTS AND ATTORNEY FEES IN BRINGING THE ACTION.



George A. Brown  
Attorney and Counselor at Law  
P.O. Box 460805  
Aurora, Colorado 80046-0805  
Tele: 303-680-0308  
Fax: 303-680-0309  
[GBrownCapt@aol.com](mailto:GBrownCapt@aol.com)

Mike Mauer, Director  
Colorado Legislative Council Staff  
Room 029  
State Capitol Building  
Denver, Colorado 80203

Re: Submission of Proposal for Review and Comment

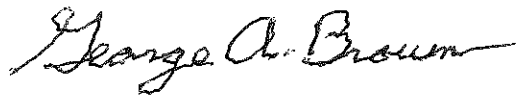
Dear Mr. Mauer,

Attached to this letter is a Proposal for Review and Comment titled, *Colorado No-Kill Pet Animal Act*. Below are the names and addresses of the two people who are representing the proponents in all matters relating to the proposal:

George A. Brown, Esq.  
P.O. Box 460805  
  
Aurora, CO 80046-0805  
Tele: 303-680-0308  
Fax: 303-680-0309  
[GBrownCapt@aol.com](mailto:GBrownCapt@aol.com)

Juliet R. Piccone, Esq.  
The Piccone Law Firm, LLC  
P.O. Box 472364  
Aurora, CO 80047  
Tele: 720-535-6246  
Fax: 866-409-0499  
[juliet@thepicconelawfirm.com](mailto:juliet@thepicconelawfirm.com)

Submitted this 30<sup>th</sup> day of December 2013



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George A. Brown



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Juliet R. Piccone