

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 08-0173.01 Brita Darling

HOUSE BILL 08-1308

HOUSE SPONSORSHIP

Stafford,

SENATE SPONSORSHIP

Johnson,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TREATMENT THAT MAY RESULT IN HARM TO CERTAIN**
102 **ANIMALS.**

Bill Summary

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

Permits an owner of a companion or assistance animal, under certain circumstances, to recover damages for loss of companionship if the animal is tortured, needlessly tormented, or needlessly killed or if a veterinarian's negligence causes injury or death to the animal.

Imposes an informed consent requirement on a veterinarian before he or she performs a service involving a substantial risk of harm to a companion or assistance animal, and allows the veterinarian to be

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.*

HOUSE
3rd Reading Unamended
April 11, 2008

HOUSE
Amended 2nd Reading
April 10, 2008

disciplined by the licensing board for failure to comply with the informed consent requirement.

Provides that a veterinarian is not liable for negligence resulting in injury or death to a companion or assistance animal due to failure to inoculate the animal if the veterinarian certifies that inoculation is contraindicated. Requires that such certification shall be acceptable to any licensing authority in lieu of evidence of vaccination for the purpose of issuing an animal license.

Awards attorney fees to a prevailing party.

Makes it a class 6 felony to knowingly, recklessly, or with criminal negligence cause serious physical harm to an assistance dog or a service animal.

Makes conforming amendments.

Makes a 5-year statutory appropriation.

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

2 **SECTION 1.** 25-4-607, Colorado Revised Statutes, is amended
3 to read:

4 **25-4-607. Order of board of health requiring inoculation of**
5 **animals.** (1) (a) When it is deemed advisable in the interest of public
6 health and safety, the board of health of an organized health department
7 or a county board of health may order that all dogs, cats, other pet
8 animals, or other mammals in the county or district be vaccinated against
9 rabies, such vaccination to be performed by a licensed veterinarian.

10 (b) Notwithstanding the provisions of ~~this section, no~~ PARAGRAPH
11 (a) OF THIS SUBSECTION (1) A board of health of an organized health
12 department or A county board of health shall NOT order the inoculation of
13 ~~animals~~ DOGS, CATS, OR FERRETS against rabies any more frequently than
14 is recommended in the "Compendium of Animal Rabies Control" as
15 promulgated by the national association of state public health
16 veterinarians.

17 (2) A VETERINARIAN, WITH THE WRITTEN CONSENT OF AN

1 ANIMAL'S OWNER, MAY ISSUE A WRITTEN WAIVER PURSUANT TO THE RULES
2 OF THE HEALTH DEPARTMENT, EXEMPTING AN ANIMAL FROM A RABIES
3 VACCINATION ORDER IF THE VETERINARIAN, IN HIS OR HER PROFESSIONAL
4 OPINION, DETERMINES THAT THE RABIES INOCULATION IS
5 CONTRAINDICATED DUE TO THE ANIMAL'S MEDICAL CONDITION.

6 (3) THE EXECUTIVE DIRECTOR OF THE HEALTH DEPARTMENT SHALL
7 ENACT RULES ALLOWING FOR THE EXEMPTION OF AN ANIMAL FROM A
8 RABIES VACCINATION DUE TO THE MEDICAL CONDITION OF THE ANIMAL.

9 (a) THE OWNER OF AN ANIMAL SEEKING AN EXEMPTION FROM A
10 RABIES VACCINATION FOR HIS OR HER ANIMAL MUST PROVIDE THE
11 VETERINARIAN WITH WRITTEN CONSENT FOR THE EXEMPTION.

12 (b) A VETERINARIAN SUPPLYING A WAIVER EXEMPTING AN ANIMAL
13 FROM A RABIES VACCINATION, COUNTY AND MUNICIPAL HEALTH
14 DEPARTMENTS, THEIR ASSISTANTS AND EMPLOYEES, THE HEALTH
15 DEPARTMENT, HEALTH OFFICERS, AND ANYONE ENFORCING THIS PART 6
16 SHALL NOT BE LIABLE FOR ANY SUBSEQUENT ACCIDENT, DISEASE, INJURY,
17 OR QUARANTINE THAT MAY OCCUR AS A RESULT OF AN ANIMAL EXEMPTED
18 FROM A RABIES VACCINATION PURSUANT TO THE RULES OF THE HEALTH
19 DEPARTMENT.

20 (4) A WAIVER EXECUTED PURSUANT TO THIS SECTION SHALL BE
21 ACCEPTED AND RECOGNIZED BY ANY LOCAL OR REGIONAL AUTHORITY
22 ISSUING LICENSES FOR THE OWNERSHIP OF ANIMALS.

23 **SECTION 2.** 25-4-615 (2), Colorado Revised Statutes, is
24 amended to read:

25 **25-4-615. Further municipal restrictions not prohibited.**

26 (2) Notwithstanding subsection (1) of this section, ~~no~~ A municipality
27 shall NOT require ~~any animal~~ A DOG, CAT, OR FERRET to be inoculated

1 against rabies any more frequently than is recommended in the
2 "Compendium of Animal Rabies Control" as promulgated by the national
3 association of state public health veterinarians, AND A VETERINARIAN MAY
4 ISSUE A WRITTEN WAIVER EXEMPTING AN ANIMAL FROM A RABIES
5 VACCINATION ORDER AS PROVIDED IN SECTION 25-4-607.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.