

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0214.01 Kate Meyer

**SENATE BILL 09-118**

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**SENATE SPONSORSHIP**

**Gibbs,** Hodge, Isgar

**HOUSE SPONSORSHIP**

**Fischer,**

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**Senate Committees**

Agriculture and Natural Resources  
Appropriations

**House Committees**

Agriculture, Livestock, & Natural Resources  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING CONTINUATION OF PET ANIMAL CARE REGULATION, AND**  
102 **MAKING AN APPROPRIATION THEREFOR.**

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**Bill Summary**

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

**Sunset Process - Senate Agriculture and Natural Resources Committee.** Implements the recommendations of the department of regulatory agencies in its sunset review of the "Pet Animal Care and Facilities Act" (PACFA) as follows:

- ! Continues PACFA and its functions through July 1, 2014.
- ! Directs the commissioner of the department of agriculture (commissioner) to set fees at sufficient levels for

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.*

SENATE  
3rd Reading Unamended  
March 30, 2009

SENATE  
Amended 2nd Reading  
March 26, 2009

- record-keeping and support technology upgrades.
- ! Continues the pet animal advisory committee indefinitely.
- ! Repeals the specific authorization of the commissioner's authority to consider the effect of a civil penalty on a person's ability to stay in business prior to imposing such penalty.
- ! Removes the statutory renewal date for licenses issued under the PACFA and authorizes the commissioner to set such date by rule.
- ! Changes the destination of civil fines collected pursuant to violations of the PACFA from the pet animal care and facility fund to the general fund.
- ! Allows persons breeding turtles to possess turtles with carapaces of less than 4 inches.
- ! Adds rats and gerbils to the definition of "pet animal".
- ! Requires licensees to display signage containing contact information for PACFA administrators.

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

2 **SECTION 1.** 35-80-117 (1), Colorado Revised Statutes, is  
 3 amended to read:

4 **35-80-117. Repeal of article - sunset review.** (1) This article is  
 5 repealed, effective July 1, 2009 2019.

6 **SECTION 2. Repeal.** 24-34-104 (40) (i), Colorado Revised  
 7 Statutes, is repealed as follows:

8 **24-34-104. General assembly review of regulatory agencies  
 9 and functions for termination, continuation, or reestablishment.**

10 (40) The following agencies, functions, or both, shall terminate on July  
 11 1, 2009:

12 (i) ~~The licensing of pet animal facilities pursuant to article 80 of~~  
 13 ~~title 35, C.R.S.;~~

14 **SECTION 3.** 24-34-104 (50), Colorado Revised Statutes, is  
 15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (50) The following agencies, functions, or both, shall terminate on July  
3 1, 2019:

4 (c) THE LICENSING OF PET ANIMAL FACILITIES PURSUANT TO  
5 ARTICLE 80 OF TITLE 35, C.R.S.

6 **SECTION 4.** 35-80-109 (2) (e), Colorado Revised Statutes, is  
7 amended to read:

8 **35-80-109. Powers and duties of the commissioner - rules -**  
9 **repeal.** (2) The commissioner is authorized to adopt all reasonable rules  
10 for the administration and enforcement of this article, including, but not  
11 limited to:

12 (e) (I) The amount of any license fee for a pet animal facility  
13 license. Such license fee may be different for different classifications and  
14 subclassifications of any license authorized under this article. THE  
15 COMMISSIONER IS AUTHORIZED TO DETERMINE THE AMOUNT OF ANY  
16 LICENSING FEE AUTHORIZED UNDER THIS ARTICLE BASED ON THE ACTUAL  
17 COST OF ADMINISTERING AND ENFORCING THIS ARTICLE AND ANY RULES  
18 ADOPTED PURSUANT THERETO.

19 (II) (A) PRIOR TO JULY 1, 2010, THE COMMISSIONER MAY RAISE  
20 FEES FOR LICENSES AND RENEWALS AUTHORIZED UNDER THIS ARTICLE BY  
21 AN AMOUNT SUFFICIENT TO HIRE ONE ADDITIONAL FULL-TIME EMPLOYEE  
22 TO CONDUCT INSPECTIONS UNDER THIS ARTICLE; EXCEPT THAT, NO SUCH  
23 INCREASE SHALL CAUSE ANY LICENSE OR RENEWAL FEE TO EXCEED THE  
24 MAXIMUM FEE AMOUNT SPECIFIED IN SECTION 35-80-105 (4).

25 (B) NOTHING IN THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED  
26 TO ABROGATE OR IMPAIR THE AUTHORITY OF THE COMMISSIONER TO  
27 ADMINISTER THIS ARTICLE, INCLUDING THE POWER TO SET FEES PURSUANT

1 TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (e).

2 (C) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,  
3 2011.

4 **SECTION 5.** The introductory portion to 35-80-115 (1), Colorado  
5 Revised Statutes, is amended, and the said 35-80-115 (1) is further  
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7 **35-80-115. Advisory committee - sunset review - repeal.**

8 (1) There is hereby established a pet animal advisory committee to advise  
9 the commissioner in establishing regulations under this article and to  
10 provide ongoing review of this article. The members of the advisory  
11 committee shall receive no compensation or reimbursement from the state  
12 of Colorado or the department for expenses incurred in the performance  
13 of their duties. The advisory committee shall consist of ~~sixteen~~  
14 SEVENTEEN persons appointed by the commissioner as follows:

15 (f.5) ONE PERSON WHO REPRESENTS THE "DOG DAY CARE  
16 INDUSTRY", WHICH TERM MEANS PREMISES ON WHICH DOGS ARE KEPT  
17 PRIMARILY FOR THE PURPOSE OF SHORT-TERM CARE;

18 **SECTION 6. Repeal.** 35-80-115 (5), Colorado Revised Statutes,  
19 is repealed as follows:

20 **35-80-115. Advisory committee.** (5) ~~(a) This section is repealed,~~  
21 ~~effective July 1, 2009.~~

22 ~~(b) Prior to said repeal, the advisory committee appointed~~  
23 ~~pursuant to this section shall be reviewed as provided for in section~~  
24 ~~2-3-1203, C.R.S.~~

25 **SECTION 7. Repeal.** 2-3-1203 (3) (v) (II), Colorado Revised  
26 Statutes, is repealed as follows:

27 **2-3-1203. Sunset review of advisory committees.** (3) The

1 following dates are the dates for which the statutory authorization for the  
2 designated advisory committees is scheduled for repeal:

3 (v) July 1, 2009:

4 (II) ~~The pet animal advisory committee appointed pursuant to~~  
5 ~~section 35-80-115, C.R.S.;~~

6 **SECTION 8. Repeal.** 35-80-113 (4), Colorado Revised Statutes,  
7 is repealed as follows:

8 **35-80-113. Civil penalties.** (4) ~~Before imposing any civil~~  
9 ~~penalty, the commissioner may consider the effect of such penalty on the~~  
10 ~~ability of the person charged to stay in business.~~

11 **SECTION 9.** 35-80-105 (5), Colorado Revised Statutes, is  
12 amended to read:

13 **35-80-105. Pet animal facility - licensure requirements -**  
14 **application - fees.** (5) Each pet animal facility license shall expire ~~on~~  
15 ~~March 1 of each year~~ ON A DATE SPECIFIED BY THE COMMISSIONER BY  
16 RULE.

17 **SECTION 10.** 35-80-106 (1), (2), and (3), Colorado Revised  
18 Statutes, are amended to read:

19 **35-80-106. Pet animal facility license - renewal.** (1) Each pet  
20 animal facility shall apply to renew its license on or before the ~~first~~  
21 ~~working day of March for the year of renewal~~ EXPIRATION DATE OF THE  
22 LICENSE. Said application shall be in the form and manner prescribed by  
23 the commissioner and shall be accompanied by the required renewal fee.

24 (2) If the application for renewal is not postmarked on or before  
25 the ~~first working day of March for the year of renewal~~ EXPIRATION DATE  
26 OF THE LICENSE, a penalty fee of ten percent of the renewal fee shall be  
27 assessed. No license shall be renewed until the renewal fee and any

1 penalty fee are paid.

2 (3) If the application and fee for renewal are ~~not~~ postmarked ~~on~~  
3 ~~or before April 1~~ LATER THAN ONE CALENDAR MONTH AFTER THE  
4 EXPIRATION DATE OF THE LICENSE, the license shall not be renewed and  
5 the pet animal facility shall apply for a new license.


6 **SECTION 11.** 35-80-106.5, Colorado Revised Statutes, is  
7 amended to read:

8 **35-80-106.5. Psittacine bird leg band - fee - rules.** (1) Each  
9 applicant for a Colorado psittacine bird leg band shall be issued a bird leg  
10 band number by the commissioner after paying the required application  
11 fee, and each holder of a bird leg band number shall pay an annual  
12 renewal fee on or before ~~October 1 of each year~~ THE ANNUAL DATE SET  
13 BY THE COMMISSIONER.

14 (2) The application, ~~and renewal~~ fees, AND ANNUAL RENEWAL  
15 DATE described in subsection (1) of this section shall be set forth in rule  
16 adopted by the commissioner.

17 **SECTION 12.** 35-80-109 (4), Colorado Revised Statutes, is  
18 amended to read:

19 **35-80-109. Powers and duties of the commissioner - rules.**  
20 (4) The commissioner is authorized to ~~determine the amount of any~~  
21 ~~licensing fee authorized under this article based on the actual cost of~~  
22 ~~administering and enforcing the article and any rules and regulations~~  
23 ~~adopted pursuant thereto~~ ESTABLISH THE ANNUAL DATE OR DATES ON  
24 WHICH LICENSES AND PSITTACINE BIRD LEG BANDS ISSUED PURSUANT TO  
25 THIS ARTICLE SHALL EXPIRE.

26   
27 **SECTION 13.** 35-80-108 (1) (j) (I) and (1) (j) (II) (B), Colorado

1 Revised Statutes, are amended to read:

2 **35-80-108. Unlawful acts.** (1) Unless otherwise authorized by  
3 law, it is unlawful and a violation of this article for any person or entity:

4 (j) To sell, barter, exchange, or otherwise transfer, possess,  
5 import, or cause to be imported into this state:

6 (I) Any type of turtle with a length in carapace of less than four  
7 inches; EXCEPT THAT A PERSON MAY POSSESS A TURTLE THAT THE PERSON  
8 HAS BRED WITH A LENGTH IN CARAPACE OF LESS THAN FOUR INCHES; or

9 (II) (B) Such prohibitions, with respect to nonhuman primates,  
10 shall not apply to a ~~zoological park or a research institute~~ FACILITY OR  
11 EXHIBITOR PROPERLY licensed or registered under the provisions of the  
12 federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131 et seq., as  
13 amended, nor shall they apply to the keeping of a nonhuman primate as  
14 a household pet by any person who owned such primate on or before July  
15 1, 1973, or to the keeping by a disabled person of a nonhuman primate  
16 specially trained to assist such person.

17 **SECTION 14.** 35-80-102 (10), Colorado Revised Statutes, is  
18 amended to read:

19 **35-80-102. Definitions.** As used in this article, unless the context  
20 otherwise requires:

21 (10) "Pet animal" means dogs, cats, rabbits, guinea pigs, hamsters,  
22 mice, RATS, GERBILS, ferrets, birds, fish, reptiles, amphibians, and  
23 invertebrates, or any other species of wild or domestic or hybrid animal  
24 sold, transferred, or retained for the purpose of being kept as a household  
25 pet, except livestock, as defined in subsection (9) of this section. "Pet  
26 animal" does not include an animal that is used for working purposes on  
27 a farm or ranch.

1           **SECTION 15.** 35-80-105, Colorado Revised Statutes, is amended  
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3           **35-80-105. Pet animal facility - licensure requirements -**  
4 **application - fees.** (8) EACH PET ANIMAL FACILITY LICENSED PURSUANT  
5 TO THIS ARTICLE SHALL DISPLAY IN A CONSPICUOUS PLACE SIGNAGE THAT  
6 CONTAINS CONTACT INFORMATION FOR THE OFFICE OR OTHER  
7 APPROPRIATE DEPARTMENT SUBDIVISION THAT ADMINISTERS THIS  
8 ARTICLE.

9           **SECTION 16. Appropriation - adjustments to the 2009 long**  
10 **bill.** (1) For the implementation of this act, appropriations made in the  
11 general appropriation act for the fiscal year beginning July 1, 2009, shall  
12 be adjusted as follows: The cash funds appropriation to the department  
13 of agriculture, agricultural services division, from the pet animal care and  
14 facility fund created in section 35-80-116, Colorado Revised Statutes, is  
15 increased by the sum of forty-nine thousand six hundred fifty-three  
16 dollars (\$49,653) and 1.0 FTE.

17           **SECTION 17. Effective date.** This act shall take effect July 1,  
18 2009.

19           **SECTION 18. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.