A BILL FOR AN ACT

CONCERNING AN INCREASE IN THE PROTECTION OF ANIMALS UNDER
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
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.

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

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

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

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

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

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

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

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

(a.3) The implementation of the requirement for annual veterinary certification of dogs that are sought to be used for breeding pursuant to section 35-80-106.7 (2), including the establishment of any minimum criteria and standards;

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

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

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

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

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

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

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

(1) The commissioner, pursuant to the provisions of article 4 of title 24, C.R.S., may deny, refuse to renew, or revoke any license authorized under this article if the applicant or licensee has been...
convicted of OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO AN
ACT OF cruelty to animals pursuant to PART 2 OF article 9 of title 18,
C.R.S., or any similar statute of any other state.

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

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

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