

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

**INTRODUCED**

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

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CONTINUATION OF PET ANIMAL CARE REGULATION.**

**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 record-keeping and support technology upgrades.
- ! Continues the pet animal advisory committee indefinitely.

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.*

- ! 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5 repealed, effective July 1, 2009 2019.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  
17 and functions for termination, continuation, or reestablishment.**

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

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

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

7 **35-80-109. Powers and duties of the commissioner - rules.**

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

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

18 **SECTION 5. 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 6. 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 7. 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 8.** 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 9.** 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 10.** 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 11.** 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 **SECTION 12.** 35-80-116, Colorado Revised Statutes, is amended  
27 to read:

1           **35-80-116. Pet animal care and facility fund - fees - civil fines.**

2           (1) All fees ~~and civil fines~~ collected pursuant to this article shall be  
3 transmitted to the state treasurer who shall credit the same to the pet  
4 animal care and facility fund, which fund is hereby created. All moneys  
5 credited to the fund shall be a part of the fund and shall not be transferred  
6 or credited to the general fund or to any other fund except as directed by  
7 the general assembly acting by bill. Notwithstanding the provisions of  
8 this section to the contrary, all interest derived from the deposit and  
9 investment of this fund shall be credited to the general fund, in  
10 accordance with section 24-36-114, C.R.S. The general assembly shall  
11 make annual appropriations from the fund to the department of  
12 agriculture for direct and indirect expenses incurred in carrying out the  
13 purposes of this section.

14           (2) ALL CIVIL FINES COLLECTED PURSUANT TO THIS ARTICLE SHALL  
15 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH  
16 MONEYS TO THE GENERAL FUND.

17           **SECTION 13.** 35-80-108 (1) (j) (I) and (1) (j) (II) (B), Colorado  
18 Revised Statutes, are amended to read:

19           **35-80-108. Unlawful acts.** (1) Unless otherwise authorized by  
20 law, it is unlawful and a violation of this article for any person or entity:

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

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

26           (II) (B) Such prohibitions, with respect to nonhuman primates,  
27 shall not apply to a ~~zoological park or a research institute~~ FACILITY OR

1 EXHIBITOR PROPERLY licensed or registered under the provisions of the  
2 federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131 et seq., as  
3 amended, nor shall they apply to the keeping of a nonhuman primate as  
4 a household pet by any person who owned such primate on or before July  
5 1, 1973, or to the keeping by a disabled person of a nonhuman primate  
6 specially trained to assist such person.

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

9 **35-80-102. Definitions.** As used in this article, unless the context  
10 otherwise requires:

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

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

20 **35-80-105. Pet animal facility - licensure requirements -**  
21 **application - fees.** (8) EACH PET ANIMAL FACILITY LICENSED PURSUANT  
22 TO THIS ARTICLE SHALL DISPLAY IN A CONSPICUOUS PLACE SIGNAGE THAT  
23 CONTAINS CONTACT INFORMATION FOR THE OFFICE OR OTHER  
24 APPROPRIATE DEPARTMENT SUBDIVISION THAT ADMINISTERS THIS  
25 ARTICLE.

26 **SECTION 16. Effective date.** This act shall take effect July 1,  
27 2009.

1           **SECTION 17. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.