

Colorado Department of Agriculture
Analysis of HB 1172
Concerning an increase in the protection of animals under the
“Pet Animal Care and Facilities Act”
1/27/2009

Colorado's Pet Animals Care Facilities Act program (PACFA) is a model program for states across the country and is dedicated to protecting the health and well-being of animals in pet care facilities.

Concerning HB 1172, the department's question must be: would HB 1172 improve our pet care program? On its face, this bill seems to enhance animal welfare. However, CDA believes current law is sound and already provides the authorities to accomplish the aims of HB 1172.

The key language within this bill limits the number of unsterilized dogs over six months of age that a dog breeder may keep on their premises licensed under PACFA to 25, with an exemption for dogs that are temporarily being boarded at the facility. CDA is unaware of any research or data to the effect that dog breeders with 25 or fewer dogs provide a higher level of protection for the animals than do breeders with more than 25 dogs. What is more important than the number of dogs in a breeding facility is assuring that the dogs are provided with proper care, irrespective of the total number of dogs in the facility.

The PACFA program already has established welfare standards which protect the health and well-being of pet animals.

- Under existing law, the number of animals CDA permits a facility to hold is limited by the size of the facility and the staffing necessary to ensure the health and well being of those pet animals, thus limiting each facility by its resources.
- Existing PACFA rules require that pet care facilities meet minimum standards for physical facilities; sanitation; ventilation; lighting; heating; cooling; humidity; spatial and enclosure requirements; nutrition; humane care; medical treatment; methods of operation and record keeping.

HB 1172 also requires annual certification by a licensed veterinarian to ensure that a dog is in "suitable health" prior to breeding. Currently, there is no standard within the veterinary community that determines what constitutes "suitable health". Existing PACFA regulations require facilities to provide timely veterinary care in cases of illness or injury.

HB 1172 gives the Commissioner the ability to inspect PACFA facilities at any time to carry out the provisions of the act. A newly enacted PACFA rule, states that if a PACFA inspector is denied access, the facility may be issued a failed inspection and could be grounds for an administrative search warrant.

HB 1172 would require denial or revocation of a license when the licensee or prospective licensee has been convicted of cruelty to animals.

- The instances where license holders maintain their license despite a cruelty conviction is very rare. The department currently has authority to withhold or revoke licenses when cruelty charges have been found to be substantiated. To date, the Department believes it has used its discretion properly.
- Those applying for a PACFA license are currently required to disclose any animal cruelty convictions.

Every year in Colorado, approximately 40,000 dogs and cats are euthanized by animal shelters. This bill would not significantly impact Colorado's pet overpopulation problem; nor would retail sales be significantly impacted because many retailers import their animals from out-of-state.

Also, this bill would not affect those standards already required by the pet care program. The Pet Animal Care Facilities Program is dedicated to protecting the health and well-being of those animals in pet care facilities and is a model program for states across the country. Currently, there are only 14 other states that have programs similar to PACFA, making Colorado a leader for pet care across the country.

Colorado Pet Animal Care Facilities Act

Frequently Asked Questions

What is PACFA?

The Colorado Pet Animal Care Facilities Act (C. R. S. § 35-80-101 – 117) was created by the pet animal industry who requested state regulation. This group of industry representatives, in cooperation with the Colorado Department of Agriculture, wrote the statute and rules which make up the Pet Animal Care Facilities Act. The Governor signed the law in 1994.

PACFA gives the Colorado Department of Agriculture the statutory authority to license and inspect all pet animal care facilities. Any person who is operating a pet animal facility that engages in selling, transferring, adopting, breeding, boarding, training, grooming, sheltering or rescuing any pet animal may need to be licensed with the Colorado Department of Agriculture.

PACFA has an advisory committee that is made up of ten members of the pet care industry. The advisory committee is occasionally contacted by PACFA employees for recommendations and advice. Any changes to the PACFA rules must be approved through the advisory committee and the Colorado Agricultural Commission prior to adoption by the Commissioner.

All of the expenses of the program are funded by the license fees of the facilities within the pet care program. PACFA does not receive tax or general fund revenue.

What animals are protected under PACFA?

According to the PACFA statute, "pet animal" means dogs, cats, rabbits, guinea pigs, hamsters, mice, 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. "Pet animal" does not include an animal that is used for working purposes on a farm or ranch.

How many facilities are licensed by PACFA?

There are more than 1,800 facilities in Colorado licensed by PACFA.

How does PACFA enforce its rules?

PACFA has a number of tools they use to gain compliance including inspections, civil fines, and license suspension, denial and revocation.

The PACFA staff works through compliance efforts, inquiry investigations, and routine inspections. The program's goal is to ensure facilities are meeting or exceeding PACFA standards.

The PACFA program is a risk based inspection program. Each new facility receives a risk assessment rating of low, medium, or high based on the type of business being conducted. Inspections are conducted every three years, every 18 months, or every six months according to the risk classification. The goal of the inspection is to cite violations that don't meet PACFA standards and to set a date for correction that will bring the facility into compliance.

Every complaint is investigated and is of the utmost concern to the inspectors and veterinarians in CDA's pet care program. The complaint will be assigned to an inspector who will begin an investigation, typically within five days. That investigation can include researching the facility, gathering information from veterinarian and complainants, and an on-site inspection. If violations are found during inspections, the facility is assessed penalty points, which are used in part to determine risk based inspection classification.

In the last three years, there have been approximately 60 cease and desist orders issued and five administrative search warrants executed.

How can the public get information on a facility or file a complaint?

When looking for a pet care facility, consumers are encouraged to visit the facility before taking their animal. People can also contact CDA and ask for a copy of any records or inspections concerning that facility, call the Better Business Bureau, and recommendations from friends and family are always helpful.

Receiving information from the Department is a simple process and can be done by one of the following:

1. visit www.colorado.gov/ag/animals and click on "Pet Animal Care Facilities Program"
2. call (303) 239-4161
3. write to Colorado Department of Agriculture, Pet Animal Care Facilities Program, 700 Kipling St., Suite 4000, Lakewood, CO 80215

Complainants must provide a detailed description of the issue, which includes the species of the animal(s), location, name of facility, etc. If complainants wish to know the outcome of the inquiry they will need to provide their name and contact information. A PACFA inspector will investigate the inquiry to determine if there is a violation of the PACFA statute or rules. Inspectors cannot comment on the inquiry until the investigation is complete.

