

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 26-0368.01 Clare Haffner x6137

**HOUSE BILL 26-1183**

---

**HOUSE SPONSORSHIP**

**McCormick and Duran,**

**SENATE SPONSORSHIP**

**Cutter and Pelton B.,**

---

**House Committees**

Agriculture, Water & Natural Resources

**Senate Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING THE CONTINUATION OF THE LICENSING OF PET ANIMAL**  
102             **FACILITIES BY THE COMMISSIONER OF AGRICULTURE IN**  
103             **ACCORDANCE WITH THE "PET ANIMAL CARE AND FACILITIES**  
104             **ACT", AND, IN CONNECTION THEREWITH, IMPLEMENTING THE**  
105             **RECOMMENDATIONS CONTAINED IN THE 2025 SUNSET REPORT**  
106             **BY THE DEPARTMENT OF REGULATORY AGENCIES.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Sunset Process - House Agriculture, Water, and Natural**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

**Resources Committee.** The bill implements the recommendations of the department of regulatory agencies in its 2025 sunset review of the "Pet Animal Care and Facilities Act" (PACFA) as follows:

- **Sections 1 and 2** of the bill continue the commissioner of agriculture's (commissioner) function of licensing pet animal facilities in accordance with the PACFA for 15 years, until 2041;
- **Section 3** amends the PACFA's pet animal advisory committee (committee) membership structure by requiring the commissioner, on and after January 1, 2027, to appoint 15 members with certain specifications. **Section 3** also specifies that members appointed to the committee on and after January 1, 2027, may serve no more than 2 consecutive terms of 4 years.
- **Section 4** prohibits the importation of certain pet animals into the state without a valid certificate of veterinary inspection issued by an accredited veterinarian in the state of origin within 10 days prior to the pet animal's arrival in Colorado;
- **Section 5** clarifies that the commissioner is authorized to adopt rules extending the required minimum holding periods for pet animals held by or in the custody of a licensed animal shelter;
- **Section 6** removes the current maximum fee amount of \$700 for pet animal facility license application fees and permits the commissioner to establish the fee amount by rule, which amount must be based on the direct and indirect costs of processing license applications;
- **Section 7** raises the maximum civil penalty amount for a violation of the PACFA or of a rule adopted pursuant to the PACFA from \$1,000 per violation to \$2,500 per violation;
- **Section 8** states that a person that chooses to request a hearing in response to a cease-and-desist order issued by the commissioner for a violation of the PACFA or of a rule adopted pursuant to the PACFA must do so within 30 days after the issuance of the cease-and-desist order; and
- **Section 9** relocates the statute that establishes the pet overpopulation authority (authority) so the authority is no longer subject to sunset review as part of the PACFA.

**Sections 10 through 13** make conforming amendments.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**

1 (27)(a)(XII); and **add** (42) as follows:

2 **24-34-104. General assembly review of regulatory agencies**  
3 **and functions for repeal, continuation, or reestablishment - legislative**  
4 **declaration - repeal.**

5 (27) (a) The following agencies, functions, or both, are scheduled  
6 for repeal on September 1, 2026:

7 (XII) ~~The licensing of pet animal facilities by the commissioner~~  
8 ~~of agriculture in accordance with article 80 of title 35;~~

9 (42) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE  
10 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2041:

11 (I) THE LICENSING OF PET ANIMAL FACILITIES BY THE  
12 COMMISSIONER OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 80 OF  
13 TITLE 35.

14 (b) THIS SUBSECTION (42) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
15 2043.

16 **SECTION 2.** In Colorado Revised Statutes, 35-80-117, **amend**  
17 (1) as follows:

18 **35-80-117. Repeal of article - sunset review - report to general**  
19 **assembly.**

20 (1) This article 80 is repealed, effective ~~September 1, 2026~~  
21 SEPTEMBER 1, 2041.

22 **SECTION 3.** In Colorado Revised Statutes, 35-80-115, **amend**  
23 (1), (3), and (4); and **add** (1.5) and (2.5) as follows:

24 **35-80-115. Advisory committee - repeal.**

25 (1) (a) There is hereby established a pet animal advisory  
26 committee to advise the commissioner in establishing rules under this  
27 article 80 and to provide ongoing review of this article 80. The members

1 of the advisory committee shall receive no compensation or  
2 reimbursement from the state of Colorado or the department for expenses  
3 incurred in the performance of their duties. The advisory committee shall  
4 consist of seventeen persons appointed by the commissioner as follows:

- 5       ~~(a)~~ (I) One person who represents animal rescue;
- 6       ~~(b)~~ (II) One person who represents bird breeders;
- 7       ~~(c)~~ (III) One person who represents small-scale operation dog  
8 breeders;
- 9       ~~(d)~~ (IV) One person who represents cat breeders;
- 10       ~~(e)~~ (V) One person who represents small animal breeders;
- 11       ~~(f)~~ (VI) One person who represents boarding kennels;
- 12       ~~(f.5)~~ (VII) One person who represents the "dog day care industry",  
13 which term means premises on which dogs are kept primarily for the  
14 purpose of short-term care;
- 15       ~~(g)~~ (VIII) One person who represents pet groomers;
- 16       ~~(h)~~ (IX) One person who represents pet animal retailers;
- 17       ~~(i)~~ (X) One person who represents pet animal wholesalers;
- 18       ~~(j)~~ (XI) One person who represents animal control officers;
- 19       ~~(k)~~ (XII) One person who represents animal shelters;
- 20       ~~(l)~~ (XIII) One veterinarian licensed pursuant to article 315 of title  
21 12;
- 22       ~~(m)~~ (XIV) Three members of the general public, none of whom  
23 shall represent or have a financial interest in any of the groups listed in  
24 this subsection (1); and
- 25       ~~(n)~~ (XV) One person who represents large-scale operation dog  
26 breeders.

27       (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, ON

1 JANUARY 1, 2027:

2 (I) THE ADVISORY COMMITTEE DESCRIBED IN SAID SUBSECTION  
3 (1)(a) IS DISMISSED;

4 (II) THE ADVISORY COMMITTEE'S AUTHORITY IS REVOKED; AND

5 (III) THE ADVISORY COMMITTEE DESCRIBED IN SUBSECTION (1.5)  
6 OF THIS SECTION SHALL ASSUME THE AUTHORITY OF THE ADVISORY  
7 COMMITTEE DESCRIBED IN SAID SUBSECTION (1)(a).

8 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JANUARY 1,  
9 2028.

10 (1.5) (a) ON JANUARY 1, 2027, THE PET ANIMAL ADVISORY  
11 COMMITTEE IS ESTABLISHED TO ADVISE THE COMMISSIONER IN  
12 ESTABLISHING RULES UNDER THIS ARTICLE 80 AND TO PROVIDE ONGOING  
13 REVIEW OF THIS ARTICLE 80. THE ADVISORY COMMITTEE CONSISTS OF  
14 FIFTEEN INDIVIDUALS APPOINTED BY THE COMMISSIONER AS FOLLOWS:

15 (I) TEN INDIVIDUALS, EACH OF WHOM REPRESENTS AT LEAST ONE  
16 DISTINCT CATEGORY OF LICENSE ISSUED PURSUANT TO THIS ARTICLE 80;

17 (II) ONE INDIVIDUAL WHO REPRESENTS ANIMAL CONTROL  
18 OFFICERS;

19 (III) ONE INDIVIDUAL WHO IS A VETERINARIAN LICENSED  
20 PURSUANT TO ARTICLE 315 OF TITLE 12; AND

21 (IV) THREE INDIVIDUALS WHO DO NOT REPRESENT OR HAVE A  
22 FINANCIAL INTEREST IN ANY OF THE GROUPS LISTED IN THIS SUBSECTION  
23 (1.5).

24 (b) (I) ON OR BEFORE DECEMBER 1, 2026, THE COMMISSIONER  
25 SHALL APPOINT THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE.  
26 EACH INITIAL MEMBER OF THE ADVISORY COMMITTEE SHALL SERVE AN  
27 INITIAL TERM OF FOUR YEARS; EXCEPT THAT:

1           (A) TWO OF THE INITIAL MEMBERS APPOINTED PURSUANT TO  
2 SUBSECTION (1.5)(a)(I) OF THIS SECTION SHALL SERVE AN INITIAL TERM OF  
3 THREE YEARS;

4           (B) TWO OF THE INITIAL MEMBERS APPOINTED PURSUANT TO  
5 SUBSECTION (1.5)(a)(I) OF THIS SECTION SHALL SERVE AN INITIAL TERM OF  
6 TWO YEARS;

7           (C) ONE OF THE INITIAL MEMBERS APPOINTED PURSUANT TO  
8 SUBSECTION (1.5)(a)(IV) OF THIS SECTION SHALL SERVE AN INITIAL TERM  
9 OF THREE YEARS; AND

10          (D) ONE OF THE INITIAL MEMBERS APPOINTED PURSUANT TO  
11 SUBSECTION (1.5)(a)(IV) OF THIS SECTION SHALL SERVE AN INITIAL TERM  
12 OF TWO YEARS.

13          (II) (A) THE COMMISSIONER, AT THE COMMISSIONER'S DISCRETION,  
14 MAY APPOINT A MEMBER OF THE ADVISORY COMMITTEE DESCRIBED IN  
15 SUBSECTION (1) OF THIS SECTION TO THE ADVISORY COMMITTEE  
16 DESCRIBED IN THIS SUBSECTION (1.5).

17          (B) THIS SUBSECTION (1.5)(b)(II) IS REPEALED, EFFECTIVE  
18 JANUARY 1, 2028.

19          (III) AFTER THE INITIAL MEMBERS OF THE ADVISORY COMMITTEE  
20 COMPLETE THEIR INITIAL TERMS, EACH MEMBER APPOINTED TO THE  
21 ADVISORY COMMITTEE SHALL SERVE A TERM OF FOUR YEARS; EXCEPT  
22 THAT AN INDIVIDUAL SHALL NOT SERVE MORE THAN TWO CONSECUTIVE  
23 FOUR-YEAR TERMS ON THE ADVISORY COMMITTEE.

24          (2.5) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL RECEIVE  
25 NO COMPENSATION OR REIMBURSEMENT FROM THE STATE OF COLORADO  
26 OR THE DEPARTMENT FOR EXPENSES INCURRED IN THE PERFORMANCE OF  
27 THEIR DUTIES.

1           (3) In the event of a vacancy on the advisory committee prior to  
2 the completion of a member's full term, the commissioner shall appoint  
3 a person to complete the remainder of the term. The person shall  
4 represent the same group as the member the person is replacing. ~~pursuant~~  
5 ~~to subsection (1) of this section.~~

6           (4) (a) The initial appointments of the animal rescue  
7 representative, the small animal breeder, the pet animal wholesaler, one  
8 member from the general public, and the large-scale operation dog  
9 breeder shall expire on January 1, 1995. The initial appointments of the  
10 bird breeder, the representative of boarding kennels, the representative of  
11 animal control officers, the small-scale operation dog breeder, and one  
12 member from the general public shall expire on January 1, 1996. The  
13 initial appointment of all other members shall be for a term of three years.  
14 Thereafter, members of the advisory committee shall serve for terms of  
15 three years.

16           (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JANUARY 1,  
17 2027.

18           **SECTION 4.** In Colorado Revised Statutes, 35-80-108, **amend**  
19 (1)(n) as follows:

20           **35-80-108. Unlawful acts - short title - disclosure requirement**  
21 **- definition - rules.**

22           (1) Unless otherwise authorized by law, it is unlawful and a  
23 violation of this article 80 for an individual or entity:

24           (n) To import or cause to be imported a ~~dog or cat~~ PET ANIMAL,  
25 EXCLUDING A REPTILE, FISH, OR RODENT, for the purpose of sale by a pet  
26 animal facility, unless the ~~dog or cat~~ PET ANIMAL has a VALID certificate  
27 of veterinary health and, if the ~~dog or cat~~ is over six months old, proof of

1     ~~a rabies vaccination, or~~ INSPECTION BY AN ACCREDITED VETERINARIAN IN  
2     THE STATE OF ORIGIN ISSUED WITHIN TEN DAYS PRIOR TO THE PET  
3     ANIMAL'S ARRIVAL IN COLORADO. A PET ANIMAL FACILITY SHALL MEET  
4     ALL IMPORT REQUIREMENTS AS DETERMINED BY THE STATE  
5     VETERINARIAN.

6             **SECTION 5.** In Colorado Revised Statutes, 35-80-106.3, **amend**  
7     (1); and **add** (4) as follows:

8             **35-80-106.3. Animal holding periods - disposition of unclaimed**  
9     **animals - immunity from actions over disposition of a pet animal -**  
10    **definition - rules.**

11            (1) ~~Any~~ EXCEPT AS DESCRIBED IN SUBSECTION (4) OF THIS  
12    SECTION, A pet animal held by or in the custody of a licensed animal  
13    shelter, whether public or private, and not reclaimed by the owner shall  
14    be held by the animal shelter for a minimum of five days after acquisition  
15    by the animal shelter before it may become available for adoption or  
16    otherwise disposed of at the discretion of the animal shelter; except that  
17    a shelter supervisor may determine that a pet animal without  
18    identification, including but not limited to a microchip or collar, may be  
19    disposed of in three days if such shelter supervisor determines the shelter  
20    has no additional resources for such pet animal or determines that such  
21    pet animal is dangerous. ~~For purposes of~~ AS USED IN this section, "days"  
22    means days during which the shelter is open to the public. If the animal  
23    shelter acquires the pet animal from the owner or an authorized  
24    representative of the owner, the pet animal becomes the property of the  
25    animal shelter at the time of transfer of the pet animal, and the pet animal  
26    may be disposed of by and at the discretion of the animal shelter. If the  
27    pet animal is abandoned, as defined in section 18-9-201 (1), ~~C.R.S.~~, the



1 pet animal becomes the property of the animal shelter upon acquisition  
2 and may be disposed of by and at the discretion of the animal shelter. The  
3 animal shelter shall be the steward of stray animals for the purposes of  
4 providing prophylactic veterinary care under the written protocol and  
5 direction of the shelter veterinarian. Pet animals, which, in the opinion of  
6 a veterinarian or the animal shelter supervisor, if a veterinarian is not  
7 available, are experiencing extreme pain or suffering, may be disposed of  
8 immediately by the animal shelter through euthanasia after the animal  
9 shelter has exhausted reasonable efforts to contact the owner; however,  
10 for pet animals with identification, the animal shelter shall exhaust  
11 reasonable efforts to contact the owner for up to twenty-four hours.

12 (4) THE COMMISSIONER MAY ADOPT RULES EXTENDING THE  
13 MINIMUM HOLDING PERIODS REQUIRED BY SUBSECTION (1) OF THIS  
14 SECTION FOR PET ANIMALS HELD BY OR IN THE CUSTODY OF A LICENSED  
15 ANIMAL SHELTER.

16 **SECTION 6.** In Colorado Revised Statutes, 35-80-105, **amend**  
17 (4) as follows:

18 **35-80-105. Pet animal facility - licensure requirements -**  
19 **application - fees - rules.**

20 (4) Each applicant for a pet animal facility license shall pay an  
21 annual license fee in the amount specified by rule of the commissioner,  
22 which amount ~~shall not exceed seven hundred dollars per license~~ MUST  
23 BE BASED ON THE APPROXIMATE DIRECT AND INDIRECT COSTS OF  
24 ADMINISTERING AND ENFORCING THIS ARTICLE 80.

25 **SECTION 7.** In Colorado Revised Statutes, 35-80-113, **amend**  
26 (1) as follows:

27 **35-80-113. Civil penalties.**

1           (1) ~~Any A person who~~ THAT violates ~~any provision of this article~~  
2     ARTICLE 80 or any rule adopted pursuant to this ~~article~~ ARTICLE 80 is  
3     subject to a civil penalty, as determined by the commissioner. The  
4     AMOUNT OF THE maximum penalty ~~shall~~ MUST not exceed ~~one thousand~~  
5     TWO THOUSAND FIVE HUNDRED dollars per violation.

6           **SECTION 8.** In Colorado Revised Statutes, 35-80-111, **amend**  
7     (2)(a) as follows:

8           **35-80-111. Enforcement - cease-and-desist orders - hearings.**

9           (2) (a) Whenever the commissioner has reasonable cause to  
10    believe a violation ~~of a provision~~ of this article 80 or a rule adopted  
11    pursuant to this article 80 has occurred and immediate enforcement is  
12    ~~deemed~~ necessary, the commissioner may issue a cease-and-desist order,  
13    which may require a person to cease ~~violating a provision of this article~~  
14    ~~80 or a rule adopted pursuant to this article 80~~ THE VIOLATION. The  
15    cease-and-desist order must set forth the provisions alleged to have been  
16    violated, the facts alleged to have constituted the violation, and the  
17    requirement that all actions cease forthwith. ~~At any time after service of~~  
18    ~~the order to cease and desist,~~ The person may request, at the person's  
19    discretion, a **prompt** hearing to determine whether the violation occurred,  
20    WHICH REQUEST MUST BE MADE WITHIN THIRTY DAYS AFTER ISSUANCE OF  
21    THE ORDER TO CEASE AND DESIST. The hearing shall be conducted  
22    pursuant to article 4 of title 24 and shall be conducted promptly.

23           **SECTION 9.** In Colorado Revised Statutes, 42-3-234, **amend**  
24    (4)(b) and (4)(c); and **add with amended and relocated provisions** (7)  
25    as follows:

26           **42-3-234. Special plates - adopt a shelter pet - pet**  
27    **overpopulation authority - pet overpopulation fund - adopt a shelter**

1     **pet account - definitions.**

2           (4) The amount of the taxes and fees for special license plates  
3     under this section is the same as the amount of the taxes and fees  
4     specified for regular motor vehicle license plates; except that the  
5     department shall collect the following fees and donations:

6           (b) A one-time, thirty-dollar donation for issuance or replacement  
7     of the license plate, which donation shall be transmitted to the state  
8     treasurer, who shall credit the same to the adopt a shelter pet account in  
9     the pet overpopulation fund created in ~~section 35-80-116.5, C.R.S.~~  
10    SUBSECTION (7)(f) OF THIS SECTION; and

11          (c) An annual twenty-five-dollar license plate renewal donation,  
12     which donation shall be transmitted to the state treasurer, who shall credit  
13     the same to the adopt a shelter pet account in the pet overpopulation fund  
14     created in ~~section 35-80-116.5, C.R.S.~~ SUBSECTION (7)(f) OF THIS  
15     SECTION; except that the department and its authorized agents may retain  
16     the portion of the donation necessary to offset implementing this  
17     ~~paragraph (c)~~ SUBSECTION (4)(c), up to a maximum of two dollars.

18          (7) (a) **[Formerly 35-80-116.5 (1)]** There is ~~hereby~~ created the  
19     Colorado pet overpopulation authority, ~~also referred to in this section as~~  
20     ~~the "authority", which shall be~~ IS a body corporate and a political  
21     subdivision of the state. The authority is not an agency of state  
22     government and is not subject to administrative direction by any state  
23     agency. ~~except as provided in this article.~~

24          (b) **[Formerly 35-80-116.5 (2)]** ~~(a)~~ (I) The powers of the  
25     ~~Colorado pet overpopulation~~ authority are vested in a board of directors  
26     consisting of the following:

27          ~~(f)~~ (A) One representative of the Animal Assistance Foundation

1 or its successor organization;

2 ~~(H)~~ (B) One representative of an animal shelter; ~~as defined in~~  
3 ~~section 35-80-102 (1);~~

4 ~~(HH)~~ (C) One representative of a state veterinary medical  
5 association;

6 ~~(HV)~~ (D) One representative of a Colorado animal control agency;

7 ~~(V)~~ (E) One representative from the department of agriculture;

8 ~~(VI)~~ (F) One member from a pet animal rescue; ~~as defined in~~  
9 ~~section 35-80-102 (11.2);~~

10 ~~(VH)~~ (G) One member of the general public who has an interest  
11 in animal welfare who is not a member of a board of any animal welfare  
12 organization;

13 ~~(VHH)~~ (H) One ~~representative of~~ MEMBER WHO IS FROM WESTERN  
14 COLORADO AND REPRESENTS an animal shelter ~~as defined in section~~  
15 ~~35-80-102 (1);~~ OR a pet animal rescue ~~as defined in section 35-80-102~~  
16 ~~(11.2);~~ or IS a veterinary professional registered with the state board of  
17 veterinary medicine; ~~from western Colorado;~~

18 ~~(IX)~~ (I) One ~~representative of~~ MEMBER WHO IS FROM EASTERN  
19 COLORADO AND REPRESENTS an animal shelter ~~as defined in section~~  
20 ~~35-80-102 (1);~~ OR a pet animal rescue ~~as defined in section 35-80-102~~  
21 ~~(11.2);~~ or IS a veterinary professional registered with the state board of  
22 veterinary medicine; ~~from eastern Colorado;~~

23 ~~(X)~~ (J) One ~~representative of~~ MEMBER WHO IS FROM SOUTHERN  
24 COLORADO AND REPRESENTS an animal shelter ~~as defined in section~~  
25 ~~35-80-102 (1);~~ OR a pet animal rescue, ~~as defined in section 35-80-102~~  
26 ~~(11.2);~~ or IS a veterinary professional registered with the state board of  
27 veterinary medicine; ~~from southern Colorado;~~ and

1           ~~(XI)~~ (K) One representative from a pet animal facility licensed  
2           and in good standing pursuant to section 35-80-104 located in a county  
3           with a population of fifty thousand or less.

4           ~~(b)~~ (II) The commissioner OF AGRICULTURE shall appoint the  
5           board members to three-year terms; except that three of the members  
6           appointed on September 1, 2001, shall serve an initial term of two years.  
7           Each member shall serve at the pleasure of the commissioner and shall  
8           continue in office until the member's successor is appointed and qualified.  
9           Initial members of the authority shall be appointed no later than  
10          September 1, 2001.

11          ~~(c)~~ (III) On the expiration of the term of a member of the board,  
12          that member's successor shall be appointed by the commissioner OF  
13          AGRICULTURE for a term of three years; except that, in the case of a  
14          vacancy, the commissioner shall appoint ~~a person~~ AN INDIVIDUAL who  
15          shall serve for the unexpired term.

16          (c) **[Formerly 35-80-116.5 (3)]** ~~(a)~~ (I) Each board member shall  
17          meet the following qualifications at the time of appointment and  
18          throughout the member's term of office:

19               ~~(H)~~ (A) Residency in this state; and

20               ~~(H)~~ (B) Demonstration of an active interest in the education of the  
21          community regarding the benefits of pet overpopulation control in  
22          Colorado.

23          ~~(b)~~ (II) The commissioner OF AGRICULTURE shall immediately  
24          declare the office of any member of the board vacant whenever the  
25          commissioner finds that the member is not qualified under this ~~subsection~~  
26          ~~(3)~~ SUBSECTION (7)(c) or that the member is unable to perform the duties  
27          of the office.

1           ~~(c)~~ (III) Members shall serve without compensation for any  
2 service provided to the ~~Colorado pet overpopulation~~ authority. Members  
3 shall not receive any reimbursement from the board for any expenses  
4 incurred fulfilling their responsibilities pursuant to this ~~section~~  
5 SUBSECTION (7).

6           ~~(d)~~ (IV) Except as provided in ~~subsection (2)(a)(VII)~~ SUBSECTION  
7 (7)(b)(I)(G) of this section, a board member may be a member of a board  
8 or subcommittee of a board of an animal welfare organization, but no  
9 more than one member of the board may be on the board or subcommittee  
10 of the board of the same animal welfare organization.

11           ~~(e)~~ (V) A member of the board shall recuse themselves from any  
12 board action or vote if they have a conflict of interest in relation to the  
13 board action or vote, including any allocation of funding to the member  
14 made pursuant to this ~~section~~ SUBSECTION (7).

15           (d) [Formerly 35-80-116.5 (4)] The board may:

16           ~~(a)~~ (I) Adopt an education program concerning pet overpopulation  
17 with emphasis on the importance of spaying and neutering to control pet  
18 overpopulation;

19           ~~(b)~~ (II) Develop, adopt, and implement a process to fund and  
20 expend ~~moneys~~ MONEY for the activities and responsibilities of the board.  
21 Funding for the board includes the ~~moneys~~ MONEY available in the ~~pet~~  
22 ~~overpopulation~~ fund. ~~created in subsection (5) of this section.~~

23           ~~(c)~~ (III) Accept gifts, grants, and donations, including personal  
24 services, for the activities and responsibilities of the board. Any gift,  
25 grant, or donation other than personal services shall be deposited into the  
26 ~~pet overpopulation~~ fund. ~~created in subsection (5) of this section.~~

27           ~~(d)~~ (IV) Develop, adopt, and implement a cooperative process to

1 work with local veterinarians, licensed animal shelters, and local  
2 communities concerning animal sheltering and pet overpopulation control  
3 in this state.

4 (e) [Formerly 35-80-116.5 (4.5)] The board shall annually publish  
5 on the ~~pet overpopulation~~ fund website the name of each grantee  
6 receiving money from the ~~pet overpopulation~~ fund, the amount of each  
7 grant provided to a grantee, when a grantee received a grant, and the  
8 names of each board member.

9 (f) [Formerly 35-80-116.5 (5)] ~~(a)~~ (I) Donations collected  
10 pursuant to ~~subsection (4)~~ SUBSECTION (7)(d) of this section and section  
11 39-22-2201 ~~C.R.S.~~, shall be transmitted to the state treasurer and credited  
12 to the pet overpopulation fund, which fund is hereby created in the state  
13 treasury. All interest derived from the deposit and investment of ~~moneys~~  
14 MONEY in the fund ~~shall be~~ IS credited to the fund.

15 ~~(b)~~ (II) All unexpended and unencumbered ~~moneys~~ MONEY  
16 remaining in the fund at the end of any STATE fiscal year ~~shall remain~~  
17 REMAINS in the fund, ~~and~~ DOES not revert back to the general fund or any  
18 other fund, ~~or~~ AND SHALL NOT be used for any purpose other than the  
19 purposes set forth in this ~~section~~ SUBSECTION (7). Such ~~moneys shall be~~  
20 MONEY IS appropriated continually to the state treasurer, who shall  
21 transfer all available ~~moneys~~ MONEY in the ~~pet overpopulation~~ fund to the  
22 ~~pet overpopulation~~ authority at least quarterly unless the board expressly  
23 requests otherwise. The board shall expend ~~moneys~~ MONEY from the ~~pet~~  
24 ~~overpopulation~~ fund for the implementation of this ~~section~~ SUBSECTION  
25 (7).

26 ~~(c)~~ (III) When expending ~~funds~~ MONEY to implement this ~~section~~  
27 SUBSECTION (7), the ~~Colorado pet overpopulation~~ authority shall give

1 priority to the areas that have an insufficient number of pet animal  
2 veterinary resources to adequately meet local needs.

3 ~~(c.5)~~ (IV) At least seventy percent of the money annually awarded  
4 for all grants that are funded by ~~the pet overpopulation~~ fund must be  
5 annually allocated for rural community facilities. The board shall consider  
6 awarding at least fifty percent of the ~~funds~~ MONEY designated for rural  
7 community facilities to counties with a population of fifty thousand or  
8 less.

9 ~~(d)~~ (V) There is ~~hereby~~ created in the ~~pet overpopulation~~ fund the  
10 adopt a shelter pet account, which consists of ~~moneys~~ MONEY donated to  
11 qualify for the adopt a shelter pet special license plate pursuant to ~~section~~  
12 ~~42-3-234, C.R.S.~~ THIS SECTION.

13 ~~(e)~~ ~~(f)~~ (VI) (A) The authority shall use the money in the adopt a  
14 shelter pet account to support the spaying and neutering and other medical  
15 costs of animals in animal shelters and rescues, to support overpopulation  
16 education programs, and to support the trap-neuter-return established in  
17 ~~subsection (9)(b)~~ SUBSECTION (7)(j)(II) of this section; except that up to  
18 ten percent of the money in the adopt a shelter pet account may be used  
19 for the administration of the account.

20 ~~(H)~~ (B) The authority ~~must~~ SHALL not favor a particular shelter  
21 model when allocating money from the adopt a shelter pet account.

22 (g) **[Formerly 35-80-116.5 (6)]** Except as provided in ~~section~~  
23 ~~42-3-234, C.R.S.~~ THIS SUBSECTION (7), the ~~Colorado pet overpopulation~~  
24 authority ~~created pursuant to this section~~, shall not be funded by or  
25 through any state agency.

26 (h) **[Formerly 35-80-116.5 (7)]** Nothing in this ~~section~~  
27 SUBSECTION (7) shall be construed to authorize the ~~Colorado pet~~



1 overpopulation authority to promulgate ADOPT rules to implement this  
2 section SUBSECTION (7).

3 (i) [Formerly 35-80-116.5 (8)] A pet animal facility applying for  
4 a grant described in ~~subsection (9)(b)~~ SUBSECTION (7)(j)(II) of this section  
5 from the adopt a shelter pet account must be licensed and in good  
6 standing pursuant to section 35-80-104.

7 (j) [Formerly 35-80-116.5 (9)] ~~(a)~~ (I) As used in this section  
8 SUBSECTION (7), unless the context otherwise requires:

9 ~~(H)~~ (A) "Animal welfare facility" means a pet animal facility, as  
10 ~~defined in section 35-80-102 (11);~~ a pet animal rescue, ~~as defined in~~  
11 ~~section 35-80-102 (11.2);~~ or a spay and neuter organization. ~~as defined in~~  
12 ~~subsection (9)(a)(V) of this section.~~

13 (B) "ANIMAL SHELTER" HAS THE MEANING SET FORTH IN SECTION  
14 35-80-102 (1).

15 (C) "AUTHORITY" MEANS THE COLORADO PET OVERPOPULATION  
16 AUTHORITY CREATED IN SUBSECTION (7)(a) OF THIS SECTION.

17 ~~(H)~~ (D) "Community cat" means a free-roaming domestic cat that  
18 may have a caretaker and is not socialized to humans.

19 ~~(HH)~~ (E) "Ear-tipping" means the removal of approximately one  
20 quarter of a community cat's left ear while under anesthesia, which serves  
21 as a visual indicator of sterilization.

22 (F) "FUND" MEANS THE PET OVERPOPULATION FUND CREATED IN  
23 SUBSECTION (7)(f)(I) OF THIS SECTION.

24 (G) "PET ANIMAL RESCUE" HAS THE MEANING SET FORTH IN  
25 SECTION 35-80-102 (11.2).

26 ~~(HV)~~ (H) "Rural community facility" means an animal welfare  
27 facility that is located in a Colorado county with a population of two

1 hundred thousand or less.

2 ~~(V)~~ (I) "Spay and neuter organization" means a nonprofit  
3 organization primarily offering spay and neuter services performed by a  
4 licensed veterinarian, as defined in section 35-80-102 (8.7).

5 ~~(VI)~~ (J) "Trap-neuter-return" means a nonlethal process of  
6 humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and  
7 returning ~~community cats~~ to their habitats COMMUNITY CATS.

8 ~~(b)~~ (II) The authority shall establish a trap-neuter-return funded  
9 by the adopt a shelter pet account. The authority may award money from  
10 the adopt a shelter pet account to animal welfare facilities located in  
11 Colorado to implement trap-neuter-return for the purposes described in  
12 ~~subsection (9)(c)~~ SUBSECTION (7)(j)(III) of this section.

13 ~~(c)~~ (III) An animal welfare facility awarded money for the  
14 trap-neuter-return is authorized to spend the money only on:

15 ~~(f)~~ (A) Trapping, sterilizing, vaccinating, and ear-tipping  
16 community cats in Colorado;

17 ~~(H)~~ (B) Veterinary care for the treatment and sterilization of  
18 community cats in Colorado;

19 ~~(HH)~~ (C) Training for community cat caretakers and animal control  
20 personnel in humane trapping and trap-neuter-return protocols in  
21 Colorado; and

22 ~~(IV)~~ (D) ~~For~~ An animal welfare facility that is a spay and neuter  
23 organization, veterinary materials and support for mobile clinics in  
24 Colorado.

25 **SECTION 10.** In Colorado Revised Statutes, 35-80-102, **amend**  
26 (6.6) and (6.7) as follows:

27 **35-80-102. Definitions - repeal.**

1 As used in this article 80, unless the context otherwise requires:

2 (6.6) (a) "Dog breeder, large scale operation" or "large scale  
3 operation dog breeder" means a dog breeder that transfers at least one  
4 hundred dogs per year.

5 (b) THIS SUBSECTION (6.6) IS REPEALED, EFFECTIVE JANUARY 1,  
6 2028.

7 (6.7) (a) "Dog breeder, small scale operation" or "small scale  
8 operation dog breeder" means a dog breeder that transfers more than the  
9 number of dogs permitted for a canine hobby breeder facility but no more  
10 than ninety-nine dogs per year.

11 (b) THIS SUBSECTION (6.7) IS REPEALED, EFFECTIVE JANUARY 1,  
12 2028.

13 **SECTION 11. Repeal of relocated provisions in this act.** In  
14 Colorado Revised Statutes, **repeal** 35-80-116.5.

15 **SECTION 12.** In Colorado Revised Statutes, **amend** 39-22-2201  
16 as follows:

17 **39-22-2201. Voluntary contribution designation - procedure.**

18 For income tax years commencing on or after January 1, 2010, the  
19 Colorado state individual income tax return form must contain a line  
20 whereby each individual taxpayer may designate the amount of the  
21 contribution, if any, the taxpayer wishes to make to the pet  
22 overpopulation fund created in ~~section 35-80-116.5(5)~~ SECTION 42-3-234  
23 (7)(f).

24 **SECTION 13.** In Colorado Revised Statutes, **amend** 39-22-2202  
25 as follows:

26 **39-22-2202. Contributions credited to the fund -**  
27 **administration - transfer.**

1           The department of revenue shall determine annually the total  
2           amount designated pursuant to section 39-22-2201 and shall report the  
3           amount to the state treasurer, who shall credit such amount to the pet  
4           overpopulation fund created in ~~section 35-80-116.5 (5), C.R.S.~~ SECTION  
5           42-3-234 (7)(f). The general assembly shall appropriate annually from the  
6           pet overpopulation fund to the department the department's costs of  
7           administering the ~~moneys~~ MONEY designated as contributions to the fund.  
8           After subtracting the appropriation to the department, all designated  
9           ~~moneys~~ MONEY in the fund ~~are hereby~~ IS continuously appropriated for  
10          the purposes of this part 22. At the end of each STATE fiscal year, the state  
11          treasurer shall transfer all designated ~~moneys~~ MONEY in the fund and all  
12          interest earned through the investment of fund ~~moneys~~ MONEY, after  
13          subtracting the appropriation to the department, as specified in ~~section~~  
14          ~~35-80-116.5 (5)(b), C.R.S.~~ SECTION 42-3-234 (7)(f)(II).

15           **SECTION 14. Act subject to petition - effective date.** This act  
16          takes effect at 12:01 a.m. on the day following the expiration of the  
17          ninety-day period after final adjournment of the general assembly (August  
18          12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
19          referendum petition is filed pursuant to section 1 (3) of article V of the  
20          state constitution against this act or an item, section, or part of this act  
21          within such period, then the act, item, section, or part will not take effect  
22          unless approved by the people at the general election to be held in  
23          November 2026 and, in such case, will take effect on the date of the  
24          official declaration of the vote thereon by the governor.