

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

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.

17 (B) THIS SUBSECTION (1.5)(b)(II) IS REPEALED, EFFECTIVE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

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.

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 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.**

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

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

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 (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~~ in
3 ~~section 35-80-102 (1);~~

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

6 (IV) (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~~ in
9 ~~section 35-80-102 (11.2);~~

10 (VII) (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 (VIII) (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 (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 (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 (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 (A) Residency in this state; and
20 (B) Demonstration of an active interest in the education of the
21 community regarding the benefits of pet overpopulation control in
22 Colorado.

23 (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 (e) (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 (f) (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 themself 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 (e) (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 (f) (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 (e.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 ~~money~~ 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 (f) (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 (I) (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 (II) (D) "Community cat" means a free-roaming domestic cat that
18 may have a caretaker and is not socialized to humans.

19 (III) (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 (IV) (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)(e)~~ 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 ~~(f)~~ (B) Veterinary care for the treatment and sterilization of
18 community cats in Colorado;

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

22 ~~(f)~~ (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.