

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 08-0738.01 Kate Meyer

HOUSE BILL 08-1185

HOUSE SPONSORSHIP

Peniston,

SENATE SPONSORSHIP

Taylor,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources & Energy

A BILL FOR AN ACT

101 CONCERNING THE MANDATORY STERILIZATION OF SPECIFIED PET
102 ANIMALS RELEASED TO PROSPECTIVE OWNERS FROM CERTAIN
103 PET ANIMAL FACILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires that dogs and cats be sterilized before being released to prospective owners from animal shelters and pet animal rescues. Specifies acceptable methods of sterilization. Identifies actions that may be taken by the adopting agency in case of violation of the sterilization requirements. Allows for release of unsterilized dogs and cats when the sterilization procedure would jeopardize the health or life of the animals,

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.

SENATE
2nd Reading Unamended
March 10, 2008

HOUSE
3rd Reading Unamended
February 19, 2008

HOUSE
Amended 2nd Reading
February 18, 2008

and temporarily exempts such animals from the sterilization requirement until a licensed veterinarian certifies that they are healthy enough to undergo a sterilization procedure. Creates exceptions. Defines terms. Makes conforming amendments.

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

2 **SECTION 1.** 35-80-102, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
4 read:

5 **35-80-102. Definitions - rules.** As used in this article, unless the
6 context otherwise requires:

7 (8.7) "LICENSED VETERINARIAN" MEANS A PERSON WHO IS
8 LICENSED TO PRACTICE VETERINARY MEDICINE IN THIS STATE PURSUANT
9 TO ARTICLE 64 OF TITLE 12, C.R.S.

10 (11.2) "PET ANIMAL RESCUE" MEANS ANY PERSON LICENSED
11 PURSUANT TO THIS ARTICLE WHO ACCEPTS PET ANIMALS FOR THE PURPOSE
12 OF FINDING PERMANENT ADOPTIVE HOMES FOR ANIMALS AND DOES NOT
13 MAINTAIN A CENTRAL FACILITY FOR KEEPING ANIMALS, BUT RATHER USES
14 A SYSTEM OF FOSTERING IN PRIVATE HOMES OR BOARDING OR KEEPING
15 PETS IN LICENSED PET ANIMAL FACILITIES.

16 (11.4) "PROSPECTIVE OWNER" MEANS A PERSON WHO HAS NO
17 PRIOR RIGHTS OF OWNERSHIP TO THE PET ANIMAL TO BE ADOPTED.

18 (11.6) "RELEASE" MEANS ADOPTION, SALE, OR OTHER TRANSFER
19 TO THE PERMANENT CUSTODY OF AN OWNER BY AN ANIMAL SHELTER OR
20 PET ANIMAL RESCUE.

21 (14) "STERILIZATION" MEANS THE ACT OF PERMANENTLY
22 RENDERING AN ANIMAL INCAPABLE OF REPRODUCTION. THE TERM APPLIES
23 TO SURGICAL METHODS, INCLUDING THE PROCEDURES COMMONLY

1 REFERRED TO AS SPAY AND NEUTER, AND NONSURGICAL METHODS AND
2 TECHNOLOGIES APPROVED BY THE UNITED STATES FOOD AND DRUG
3 ADMINISTRATION, THE UNITED STATES DEPARTMENT OF AGRICULTURE, OR
4 OTHER APPROPRIATE DESIGNATED FEDERAL AUTHORITY.

5 **SECTION 2.** Article 80 of title 35, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SECTION to read:

7 **35-80-106.4. Sterilization of ownerless dogs and cats required**

8 **- rules - exceptions - violations.** (1) AN ANIMAL SHELTER OR PET
9 ANIMAL RESCUE SHALL NOT RELEASE A DOG OR CAT TO A PROSPECTIVE
10 OWNER UNLESS:

11 (a) THE ANIMAL HAS BEEN STERILIZED BY A LICENSED
12 VETERINARIAN; OR

13 (b) (I) THE PROSPECTIVE OWNER SIGNS AN AGREEMENT TO HAVE
14 THE ANIMAL STERILIZED BY A LICENSED VETERINARIAN WITHIN **NINETY**
15 DAYS AFTER THE DATE OF RELEASE AND DEPOSITS A FEE, IN AN AMOUNT
16 SPECIFIED BY RULE OF THE COMMISSIONER, WITH THE ANIMAL SHELTER OR
17 PET ANIMAL RESCUE.

18 (II) UPON RECEIVING A WRITTEN STATEMENT FROM THE LICENSED
19 VETERINARIAN WHO PERFORMED THE STERILIZATION PROCEDURE THAT
20 THE DOG OR CAT HAS BEEN STERILIZED, THE ANIMAL SHELTER OR PET
21 ANIMAL RESCUE SHALL REFUND THE DEPOSIT TO THE PROSPECTIVE OWNER.

22 (III) IF THE PROSPECTIVE OWNER FAILS TO PROVIDE THE ANIMAL
23 SHELTER OR PET ANIMAL RESCUE WITH A WRITTEN STATEMENT FROM A
24 LICENSED VETERINARIAN STATING THAT THE VETERINARIAN PERFORMED
25 A STERILIZATION PROCEDURE ON THE DOG OR CAT WITHIN **NINETY** DAYS
26 AFTER SIGNING THE AGREEMENT:

27 (A) THE PROSPECTIVE OWNER SHALL FORFEIT THE DEPOSIT AND

1 THE ANIMAL SHELTER OR PET ANIMAL RESCUE SHALL FORWARD THE
2 AMOUNT OF THE DEPOSIT TO THE PET OVERPOPULATION FUND CREATED IN
3 SECTION 35-80-116.5 (5) OR A LOCAL DEDICATED SPAY AND NEUTER FUND;
4 AND

5 (B) THE ANIMAL SHELTER OR PET ANIMAL RESCUE MAY PROMPTLY
6 RECLAIM THE ANIMAL FROM THE PROSPECTIVE OWNER.

7 (2) IF A LICENSED VETERINARIAN DECLARES IN WRITING THAT A
8 STERILIZATION PROCEDURE COULD JEOPARDIZE THE LIFE OR HEALTH OF
9 THE DOG OR CAT, THE PROCEDURE MAY BE DELAYED UNTIL SUCH TIME
10 THAT A VETERINARIAN DETERMINES THAT THE DOG OR CAT IS FIT TO
11 UNDERGO THE STERILIZATION PROCEDURE. AT SUCH TIME, THE
12 PROSPECTIVE OWNER SHALL HAVE THE ANIMAL STERILIZED. IF THE
13 DETERMINATION OF UNFITNESS FOR STERILIZATION HAS BEEN MADE PRIOR
14 TO RELEASE, THE ANIMAL SHELTER OR PET ANIMAL RESCUE MAY RELEASE
15 THE DOG OR CAT TO THE PROSPECTIVE OWNER, SUBJECT TO THE
16 PROVISIONS OF THIS SUBSECTION (2).

17 (3) THIS SECTION SHALL NOT APPLY TO:

18 (a) THE RELEASE OF A DOG OR CAT TO A PERSON WITH PRIOR AND
19 CONTINUING OWNERSHIP RIGHTS TO THE DOG OR CAT WHO IS RECLAIMING
20 THE ANIMAL FROM AN ANIMAL SHELTER OR PET ANIMAL RESCUE;

21 (b) THE TRANSFER OF AN ANIMAL FROM AN ANIMAL SHELTER OR
22 PET ANIMAL RESCUE TO ANOTHER ANIMAL SHELTER OR PET ANIMAL
23 RESCUE OR TO A VETERINARIAN;

24 (c) ANIMAL SHELTERS OR PET ANIMAL RESCUES WITH EXISTING
25 STERILIZATION PROGRAMS THAT ENSURE THAT EVERY DOG OR CAT IS
26 STERILIZED BEFORE TO BEING RELEASED; OR

27 (d) PUBLIC ANIMAL SHELTERS ELIGIBLE FOR WAIVER OF LICENSING

1 FEES PURSUANT TO RULES PROMULGATED BY THE COMMISSIONER.

2 (4) NOTHING IN THIS SECTION SHALL PRECLUDE A TOWN, CITY,
3 COUNTY, OR CITY AND COUNTY FROM ADOPTING, MAINTAINING, OR
4 ENFORCING AN ORDINANCE THAT EXCEEDS THE MINIMUM REQUIREMENTS
5 ADOPTED BY THE COMMISSIONER IN IMPLEMENTING AND ENFORCING THIS
6 SECTION. NOTHING IN THIS SECTION SHALL PRECLUDE A LICENSED ANIMAL
7 SHELTER, WHETHER PUBLIC OR PRIVATE, FROM ADOPTING, MAINTAINING,
8 OR FOLLOWING A POLICY THAT EXCEEDS THE MINIMUM REQUIREMENTS
9 ADOPTED BY THE COMMISSIONER IN IMPLEMENTING AND ENFORCING THIS
10 SECTION.

11 **SECTION 3.** The introductory portion to 35-80-109 (2) and
12 35-80-109 (2) (a), Colorado Revised Statutes, are amended to read:

13 **35-80-109. Powers and duties of the commissioner.** (2) The
14 commissioner is authorized to adopt all reasonable rules ~~and regulations~~
15 for the administration and enforcement of this article, including, but not
16 limited to:

17 (a) Minimum standards of physical facility, sanitation, ventilation,
18 heating, cooling, humidity, spatial and enclosure requirements, nutrition,
19 humane care, medical treatment, STERILIZATION OF DOGS AND CATS
20 RELEASED TO PROSPECTIVE OWNERS FROM ANIMAL SHELTERS AND PET
21 ANIMAL RESCUES, and method of operation, including the minimum
22 holding period for and disposition of stray or abandoned pet animals that
23 are, in the opinion of the commissioner, necessary to carry out the
24 provisions of this article; except that each holding period shall comply
25 with section 35-80-106.3 (1);

26 **SECTION 4. Effective date - applicability.** (1) This act shall
27 take effect January 1, 2009.

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

10 (3) The provisions of this act shall apply to releases of dogs and
11 cats from animal shelters or pet animal rescues on or after the applicable
12 effective date of this act.