

COLORADO DEPARTMENT OF REGULATORY AGENCIES  
OFFICE OF POLICY AND RESEARCH

# REGULATION OF PET ANIMAL CARE FACILITIES IN COLORADO

---

THE PET ANIMAL CARE AND FACILITIES ACT AND  
THE PET ANIMAL ADVISORY COMMITTEE  
1999 SUNSET REVIEW



October 15, 1999

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed the evaluation of the Pet Animal Care and Facilities Act and the Pet Animal Advisory Committee. I am pleased to submit this written report which will be the basis for my office's oral testimony before the 2000 legislative committees of reference. The report is submitted pursuant to §24-34-104(8)(a), of the Colorado Revised Statutes (C.R.S.), which states in part:

*The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...*

*The department of regulatory agencies shall submit a report and supporting materials to the office of legislative legal services no later than October 15 of the year preceding the date established for termination . . . .*

The report discusses the question of whether there is a need for the regulation provided under Article 80 of Title 35, C.R.S. and Article 4 of Title 25, C.R.S. The report also discusses the effectiveness of the Colorado Department of Agriculture, Division of Animal Industry and the Colorado Department of Public Health and Environment and staff in carrying out the intention of the statutes and makes recommendations for statutory and administrative changes in the event this regulatory program is continued by the General Assembly.

Sincerely,

M. Michael Cooke  
Executive Director

# Table of Contents

EXECUTIVE SUMMARY .....	1
LIST OF RECOMMENDATIONS .....	2
BACKGROUND .....	3
THE SUNSET REVIEW PROCESS .....	3
HISTORY OF PET ANIMAL CARE FACILITIES REGULATION IN COLORADO .....	4
SUMMARY OF STATUTE AND REGULATION.....	6
STATUTE .....	6
Licensure.....	7
Powers and Duties of the Commissioner .....	9
Record-Keeping Requirements .....	9
Psittacine Bird Leg Band .....	10
Enforcement.....	10
RULES .....	12
OTHER REGULATION .....	13
REGULATION IN OTHER STATES .....	13
FEDERAL LAWS AND REGULATION .....	14
PROGRAM DESCRIPTION AND ADMINISTRATION.....	15
FACILITY LICENSING.....	15
COMPLAINTS AND INSPECTIONS PROCEDURE .....	17
Complaints .....	17
Inspections .....	20
DISCIPLINARY ACTIONS.....	22
SUNSET REVIEW SURVEY OF PET ANIMAL CARE FACILITY OWNERS.....	23
Methodology.....	23
Findings .....	24
Other Findings and Summary Information .....	25
ANALYSIS AND RECOMMENDATIONS.....	27
PET ANIMAL ADVISORY COMMITTEE.....	32
CREATION, MISSION AND COMPOSITION .....	32
MEETINGS AND EXPENDITURES .....	33
ADVISORY COMMITTEE CONSIDERATIONS AND ACCOMPLISHMENTS .....	33
ANALYSIS AND RECOMMENDATION .....	37
APPENDIX A - SUNSET STATUTORY EVALUATION CRITERIA.....	39
APPENDIX B - STATUTE.....	40
APPENDIX C - SURVEY RESULTS.....	56

# Executive Summary

---

The Department of Regulatory Agencies (DORA) has completed its Sunset Review of the Pet Animal Care and Facilities Act (PACFA) and the Pet Animal Advisory Committee (Committee) administered by the Department of Agriculture, Animal Industry Division. This sunset report recommends the continuation of PACFA and the Committee.

The purpose of the PACFA is to protect both the public health as well as animal health and environment by ensuring that facilities meet minimum standards. The administration and enforcement of PACFA is accomplished through minimum standards for physical facilities, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, humane care, medical treatment, and maintenance of records. The activities of the Animal Industry Division that provides for an effective Pet Animal Care and Facilities Act include facility licensure, inspection, distribution of information, complaint resolution, and enforcement actions.

DORA found that the Animal Industry Division effectively performs its statutory responsibilities. The report recommends increasing the cap on the licensing fee to \$250 to provide additional revenue to cover actual costs of operating the program. The report also includes a recommendation to grant the Division the added authority to make subsequent inspections of facilities whose licenses were revoked, denied, or not renewed.

The Sunset Review of the Pet Animal Advisory Committee recommends that the General Assembly continue the committee. The Committee has functioned effectively for five years advising and providing information to the Colorado Department of Agriculture concerning rule and statutory changes. The Committee is representative of the regulated industry and provides a conduit through which the Department of Agriculture can receive information about the concerns and problems affecting the industry.

# List of Recommendations

---

Recommendation 1 - Continue the Pet Animal Care and Facilities Act and set a new sunset date of 2009..... 27

Recommendation 2 - Increase the cap on the licensing fee to \$250.. 29

Recommendation 3 - Grant the Division the added authority to make subsequent inspections of facilities whose licenses were revoked, denied, or not renewed..... 30

Recommendation 4 – Amend §35-80-108 and §35-80-114, C.R.S. to prohibit the alteration or falsification of any certificate of veterinary inspection or any other veterinary health certificates. .... 31

Recommendation 5 – Amend the title “small dog breeder” in §35-80-102 (13), C.R.S., to read “dog breeder – limited operations.” ..... 31

# Background

---

## *THE SUNSET REVIEW PROCESS*

---

The regulatory functions of the Commissioner of the Colorado Department of Agriculture (Department) in accordance with Article 80 of Title 35, C.R.S., shall terminate on July 1, 2000 unless continued by the General Assembly. During the year prior to this date, it is the duty of the Department of Regulatory Agencies to conduct an analysis and evaluation of the Pet Animal Care and Facilities Act (PACFA) pursuant to §24-34-104 (9)(b), C.R.S.

The purpose of this review is to determine whether the Pet Animal Care and Facilities Act should be continued for the protection of the public, and to evaluate the performance of the Animal Industry Division of the Colorado Department of Agriculture. During this review, the Department of Agriculture must demonstrate that there is still a need for the registration program and that the regulation is the least restrictive regulation consistent with the public interest. DORA's findings and recommendations are submitted via this report to the Legislative Committee of Reference of the Colorado General Assembly. (Statutory criteria used in Sunset Reviews may be found in Appendix A on page 39.)

The Sunset Review process includes an analysis of the statute, interviews with Animal Industry Division staff, local government officials, pet animal industry representatives and associations, and animal welfare organizations. To better understand the pet animal facility operations, the author of this report accompanied an inspector on several routine visits to facilities. In addition, a survey was developed and mailed to a sample of pet animal care facility owners. DORA made every effort to elicit information and comments from all interested parties.

## Background

---

### *HISTORY OF PET ANIMAL CARE FACILITIES REGULATION IN COLORADO*

---

State regulation of pet animal and psittacine bird dealerships was originally enacted to protect humans from diseases that might be transmitted by pet animals and birds. In 1957, a woman in Greeley, Colorado contacted psittacosis from her pet parakeet and subsequently died. After her death, the Department of Health (DOH), which has since been reorganized and is now the Department of Public Health and Environment (CDPHE), was given the responsibility for regulation in this area.

In 1983, SB 83-198 was passed to expand the definition of kennels to include facilities other than boarding kennels, most notably animal pounds and shelters. The Board of the DOH established rules and regulations for minimum standards for the physical facility, sanitation, humane care, and method of operations. Persons operating kennels were required to obtain a license to operate.

Enforcement actions were limited and there were insufficient funds appropriated to operate the program. Subsequently, the Department of Health discontinued the program operations in November 1991 as part of a budget cut in state government operations.

The 1993 Sunset Review of Colorado Kennel and Pet Dealership Regulation found that the program had ceased all regulatory activities as a result of budget cuts although the legal authority for the program remained in statute. This sunset review recommended that the licensing and inspection functions of the DOH be sunset until a better mechanism could be devised to provide an adequate level of animal protection in the state's kennels and pet dealerships.

## Background

---

In 1994, Senate Bill 94-23 was passed as a result of recommendations from a coalition task force comprised of representatives from many diverse pet animal care industries and representatives from state agencies. These representatives include the DOH; Colorado Department of Agriculture (DOA); animal rescue; bird, cat, and dog breeders; boarding kennels; animal control officers; animal welfare agencies; pet groomers; retail pet industry; Colorado Veterinary Medical Association; pet wholesalers; and small animal breeders. The intent of the recommendations by the coalition task force was to ensure proper care of animals in the pet trade, protect the consumer, and allow the pet industry to remain a viable business.

The amended law placed the regulation of pet animal care facilities in the Colorado Department of Agriculture, Animal Industry Division. The law, referred to as PACFA, requires that any person operating a pet animal facility that engages in selling, transferring, adopting, breeding, boarding, training, grooming, sheltering or rescuing dogs, cats, birds, rabbits, ferrets, reptiles, or fish must possess a valid license. The amended statute also defines record-keeping requirements, unlawful acts, inspection procedures, enforcement provisions, and civil and criminal penalties.

The Department of Public Health & Environment retained the authority to promulgate rules and regulations for tracing potential outbreaks of diseases, which may be passed from animals to humans. These rules and regulations enable the CDPHE to impose quarantine when necessary, and to authorize certain designated officials who perform investigations to inspect the premises, any animals, or any health or transaction records relating to the investigation.

During the 1999 legislative session, the General Assembly passed Senate Bill 99-137 creating a minimum five-day holding period during which licensed animal shelters may not dispose of an animal. In addition, the bill grants immunity from civil actions to an animal shelter that complies with the five-day minimum or that immediately disposes of a pet animal in circumstances involving owner-surrendered animals, abandoned animals, or suffering animals. Shelters may dispose of pet animals immediately through euthanasia, if, in the opinion of a veterinarian, the animal is experiencing extreme pain or suffering. Additionally, animal shelters must exhaust reasonable efforts to contact the owners of pet animals wearing identification for up to 24 hours.



## Summary of Statute and Regulation

---

During the 1994 legislative session, the Colorado General Assembly passed Senate Bill 94-23 that substantially rewrote the statutes governing the regulation of pet animal care facilities. One of the changes was the transfer of the regulatory program from the Department of Health to the Department of Agriculture, Animal Industry Division. The program transfer included 4.0 FTE, but no General Fund appropriation for implementation of the program by the Animal Industry Division.

The purpose of the Pet Animal Care and Facilities Act is to protect the well-being of pet animals within the respective facilities and to protect the public's interests by providing a reasonable minimum standard of facility and animal care requirements.

### *STATUTE*

---

The Pet Animal Care and Facilities Act (PACFA) is found in §35-80-101, C.R.S., et seq. The Animal Industry Division (Division) within the Department of Agriculture is responsible for administering and enforcing the provisions of PACFA. The purpose of the law is to set standards for the operation of a pet animal facility that engages in selling, transferring, adopting, breeding, boarding, training, grooming, sheltering or rescuing dogs, cats, birds, rabbits, ferrets, reptiles, or fish.

The Division administers and enforces PACFA standards for sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, methods of operation, maintenance of records, euthanasia, and transactions.

This section of the report provides an overview of the highlights of the Colorado statute and regulations.

### **Licensure**

#### What Must be Licensed

The statute establishes licensure requirements for the following facilities:

- *Bird breeder facility*: engages in breeding and raising birds, and transfers more than 30 birds per year;
- *Dog breeder facility (small)*: engages in breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring at least 25 and no more than 99 dogs per year, or produces more than 2 litters per year;
- *Dog breeder facility (commercial)*: engages in breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring more than 99 dogs per year;
- *Cat breeder facility*: produces or transfers more than 24 cats per year;
- *Pet animal boarding facility*: cares for or houses pet animals in the absence of the owner;
- *Retail and wholesale pet animal dealership*: operates for the sole purpose of wholesale or retail commerce, trading, bartering, or otherwise transferring pet animals to the public;
- *Pet grooming facility*: may be either a permanent or mobile commercial establishment where a pet animal may be cleaned, styled, or have its appearance maintained;
- *Animal rescue facility*: accept pet animals for the purpose of finding permanent adoptive homes and does not maintain a central facility for keeping animals, but rather uses a system of fostering in private homes, or boarding or keeping in licensed pet animal facilities;
- *Animal shelter*: is a public or private facility that minimally houses animals for impoundment purposes;

---

## Summary of Statute and Regulation

---

- *Pet animal training facility*: cares for animals in training in the absence of the owner and receives compensation for services rendered. These services may include housing, training, handling, showing, grooming, and transporting pet animals. Such services are for the purposes of exhibition, behavior modification, field trial or lure course training, or guard dog training; and
- *Small animal breeder facility*: transfers more small mammals than the maximum number established by rule for each particular species.

### Exemptions to Licensure

The provisions of PACFA are not applicable to the following:

1. Veterinary hospital that boards pet animals for veterinary care;
2. Research facility, circus, or zoological park or petting zoo;
3. Pet animal training facility where the pet animal owner is present during the animal's stay;
4. Kennel operated for the breeding or sale or racing of greyhounds that are not intended to be companion pets;
5. Any wildlife regulated by the Division of Wildlife;
6. Livestock;
7. Any bird hobby breeder facility (raises birds for personal enjoyment and does not transfer more than 30 birds per year);
8. Canine hobby breeder facility (transfers no more than 24 dogs per year or breeds no more than two litters per year, whichever is greater);
9. Feline hobby breeder facility (produces or transfers no more than 24 cats per year); or
10. Small animal hobby breeder facility that transfers small mammals that is less than the maximum number established by the Commissioner by rule.

---

## Summary of Statute and Regulation

---

### Licensure Fees

The Colorado Pet Animal Care and Facilities Act is funded through licensure fees set by the Commissioner of Agriculture. Each location of a pet animal facility must be separately licensed. Applicants for a pet animal facility license pay an annual fee that can not exceed \$200 per license.

### ***Powers and Duties of the Commissioner***

The Commissioner adopts rules and regulations necessary for the administration and enforcement of PACFA and to perform the following duties:

- Establishes minimum standards of physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, and method of operation;
- Maintains records concerning health care, euthanasia, and transactions involving pet animals;
- Establishes qualifications for applicants and standards of practice;
- Issues and reinstates any license authorized under PACFA;
- Establishes license fees;
- Conducts hearings using administrative law judges; and
- Appoints an advisory committee.

### ***Record-Keeping Requirements***

Each pet animal facility is required to keep complete records on the premises of the facility for two years.

### ***Psittacine Bird Leg Band***

Persons selling, trading, or transferring psittacine birds are required to apply a leg band during the bird's pre-feathered stage of development. Bird breeders submit an application for registered band numbers to the Commissioner. The application and annual renewal fee is \$17.50.

### ***Enforcement***

#### Inspections

For inspection purposes, the Commissioner is authorized during regular business hours to enter any portion of all buildings, yards, pens, and other areas in which any animals are kept, handled, or transported. The Commissioner has free and unimpeded access to a facility upon consent, or upon obtaining an administrative search warrant issued from a local or district court.

#### Disciplinary Actions

An essential component of a regulatory program is the ability of the state to discipline violators of PACFA. The Commissioner has the authority to issue letters of admonition or deny, restrict, suspend, revoke, or refuse to renew the license of any applicant or licensee who:

- Has violated any provision of PACFA;
- Failed to provide the Commissioner with reasonable, complete, and accurate information regarding the care of animals when requested;
- Falsified any information requested by the Commissioner;
- Had a license or its equivalent authorization to engage in activities regulated under PACFA revoked, suspended, or denied by another authority; or
- Has been convicted of cruelty to animals.

## Summary of Statute and Regulation

---

### Cease and Desist

The Commissioner may issue a cease and desist order against any violator of the provisions of PACFA. If a person fails to comply with a cease and desist order within 24 hours after being served, the Commissioner may bring suit for a temporary restraining order and injunctive relief to prevent further violations. The cease and desist order may not be stayed before a hearing is held on the matter.

### Unlawful Acts

It is unlawful to operate a pet animal facility for which licensure is required without possessing a valid license. In addition, no one may impersonate any state, county, city and county, or municipal official or inspector. Dogs and cats may not be transferred or sold if they are less than eight weeks of age and guinea pigs, hamsters, or rabbits must be more than four weeks of age. It is a violation of PACFA to fail to take reasonable care to release for sale, trade, or adoption only those pet animals that are free of undisclosed disease, injury, or abnormality.

### Civil and Criminal Penalties

The Commissioner may impose civil penalties for any violation of PACFA not to exceed \$1,000 per violation. The assessment is at the discretion of the Commissioner who may consider the effect of the proposed penalty on the ability of the licensee to continue to conduct business. Any civil penalty collected is credited to the Pet Animal Care and Facility Fund.

Any person who violates the provisions of §35-80-108 (1)(a), (1)(b), (1)(c), (1)(f), C.R.S., commits a class 2 misdemeanor and is punishable as provided in §18-1-106, C.R.S.

### *RULES*

---

To administer the Pet Animal Care and Facilities Act, the Department of Agriculture has promulgated rules and regulations. The rules include minimum standards for physical facilities, sanitation, ventilation, heating, cooling, humidity, space and enclosure requirements; nutrition, humane care, medical treatment; methods of operation; maintenance of records concerning health care, euthanasia, and transactions involving pet animals; the qualifications and issuance of licenses, licensing fees, and grounds for disciplinary actions. The rules and regulations pertain to the following classifications of licenses:

- retail and wholesale pet animal dealership;
- dog breeder facility;
- bird breeder facility;
- cat breeder facility;
- pet grooming facility;
- pet animal boarding facility;
- animal rescue facility;
- animal shelter;
- pet animal training facility; and
- small animal breeder facility.

# Other Regulation

## REGULATION IN OTHER STATES

The table below provides a snapshot of pet animal facility regulation in states with the most inclusive regulatory programs. Nine states have comprehensive legislation concerning pet animal care facilities as noted in Table 2 below, several others are considering such legislation, and a majority of states only regulate animal shelters.

In 1996, the United States Animal Health Association (USAHA), Committee on Animal Welfare developed a model law for the fair and reasonable regulation of pet production, distribution, boarding, grooming, shelter, and pound facilities. The goal of USAHA is for consistent and comprehensive legislation in the United States.

Colorado's regulatory scheme provides significant oversight of the industry through inspections, licensing, and civil and criminal penalties.

**TABLE 2 - REGULATION OF PET ANIMAL FACILITIES IN OTHER STATES**

STATE	TYPE OF REGULATION / COST	BREEDING	BOARDING	PET SHOPS	GROOMING	INSPECTIONS	PENALTIES
Arkansas	Registration \$100	No	No	Yes	No	No	Class A Misdemeanor – Failure To Allow Inspection
Colorado	License \$50-200	Yes	Yes	Yes	Yes	Yes	Civil – Not To Exceed \$1,000/Per Violation Criminal – Class 2 Misdemeanor
Georgia	License \$25-\$200	Yes	Yes	Yes	No	Yes	Misdemeanor
Iowa	License \$15-\$50	Yes	Yes	Yes	Yes	Yes	Misdemeanor
Kansas	License \$75-\$500	Yes	Yes	Yes	No	Yes	Civil – Not To Exceed \$1,000/Per Violation Class A Misdemeanor
Missouri	License \$100-\$500	Yes	Yes	Yes	No	Yes	Class A Misdemeanor Not To Exceed \$1,000/Per Violation
New Jersey	License \$10	Yes	Yes	Yes	No	No	Limited
North Carolina	License \$50	Yes	Yes	Yes	No	No	Operating without a license/Class 3 Misdemeanor Lack of care for animals– Misdemeanor not to exceed \$1,000. Director may assess civil penalties not to exceed \$5,000.



## Other Regulation

---

### *FEDERAL LAWS AND REGULATION*

---

The Federal Animal Welfare Act (AWA) (7 U.S.C.A. §§ 2131), administered by the United States Department of Agriculture (USDA), licenses or registers many businesses that buy or sell warm-blooded animals, exhibit them to the public, transport them commercially, or use them in experiments or teaching.

The U.S. Congress passed the Animal Welfare Act in 1966 and amended it in 1970, 1976, 1985, and 1990. The annual license fee for animal dealers (Class A or B) ranges from \$30 to \$750, depending on the annual dollar volume of the business. Class A licenses, defined as having at least 4 intact pets, are breeders who wholesale and deal only in animals they breed and raise. Class B licenses include brokers, bunchers, and operators of auction sales, while Class C is for animal exhibitors.

The Federal animal care standards include humane handling, housing, space, feeding and watering, sanitation, ventilation, shelter from weather extremes, adequate veterinary care, separation of incompatible animals, transportation, and handling in transit. If a facility or practice does not meet Federal standards upon application, the facility/practice will be inspected three times within a period not to exceed 90 days to correct any deficiencies. Licenses are not issued until all deficiencies are corrected.

Animal dealer businesses that are regulated under AWA include pet wholesalers, pet breeders selling to the wholesale trade, laboratory animal breeders, animal brokers; animal auction operators, exotic animal dealers, wild animal dealers, and suppliers of specimens (one who sells dead animals that are regulated). Of the 1,202 licensed PACFA facilities, only eight dog breeding facilities are also licensed under the USDA.

Animal dealer businesses exempt from USDA regulation include retail pet stores; retail chain stores; direct sales; hobby breeders; animal shelters that are part of state, county, or local governments; animal shelters operated by humane societies; and boarding kennels.

## Program Description and Administration

The purpose of PACFA is to insure proper care of animals in the pet trade, protect the consumer, and also allow the pet industry to remain a viable business.

The Animal Industry Division within the Colorado Department of Agriculture administers the Pet Animal Care and Facilities Act. The daily functions of the program are carried out by a staff of four full-time equivalent (4 FTE) that includes a veterinarian, an administrative assistant, and two inspectors.

The program is cash funded through licensure fees and psittacine bird leg band fees. The program budget including revenues and expenditures is detailed in Table 3 below:

**TABLE 3 - PROGRAM REVENUE AND EXPENDITURES**

	Fiscal Year 1996		Fiscal Year 1997		Fiscal Year 1998		Fiscal Year 1999	
	Expense	Revenue	Expense	Revenue	Expense	Revenue	Expense	Revenue
Personal Services	111,303.95		163,267.13		183,859.84		182,241.62	
Operating	9,480.11		13,451.79		19,736.73		15,800.06	
Travel	1,626.22		5,413.79		4,385.11		4,955.91	
Indirect Costs	10,954.00		10,954.00		10,954.00		10,954.00	
Legal Services	5,895.00		22,332.15		14,364.57		20,366.78	
Leased Space	0		0		10,499.65		12,226.30	
Leased Vehicles	5,722.00		6,520.00		5,664.00		5,664.00	
Total Expense	144,981.28		221,938.86		249,463.90		252,208.67	
Total Revenue		299,826.00		334,227.00		306,810.00		285,800.58
Less Deferred From Previous Fiscal Year		(88,102)		(140,731)		(109,640)		(57,000)
Actual Revenue		211,724.00		193,496.00		197,170.00		228,800.58
Less Expense		144,981.28		-221,938.86		-249,463.96		252,208.67
Balance-Fiscal Year		66,742.72		-28,442.86		-52,293.90		-23,408.09

### *FACILITY LICENSING*

Section 105 of Title 35, Article 80 provides that upon application for a license to operate a pet animal care facility and payment of a fee determined by the Commissioner, a license is issued. Renewals are required annually and must be submitted by March 1. A 10% penalty is imposed if the application is not postmarked by the required date. Licenses may be issued for 12 different categories with varying fees as illustrated in Table 4, with no license exceeding \$200.00.

## Program Description and Administration

---

**TABLE 4 - LICENSING FEES**

Category	License fee	Category	License fee
Bird breeder facility (common)	\$50 annually	Retail/wholesale pet animal dealership	\$200 annually
Bird breeder facility (uncommon)	\$125 annually	Pet grooming facility	\$150 annually
Dog breeder facility (commercial)	\$200 annually	Animal rescue facility	\$50 annually
Dog breeder facility (small operation)	\$175 annually	Animal shelter	\$200 annually
Feline breeder facility	\$150 annually	Pet animal training facility	\$175 annually
Pet animal boarding facility	\$200 annually	Small animal breeder facility	\$175 annually

Applicants for facility licenses must provide their name, business and residential address, telephone number, and facility's hours of operation to the Animal Industry Division. All applicants must note whether they have any previous convictions for animal cruelty.

There are currently 1,202 licensed PACFA facilities in the State of Colorado. Each location of a pet animal facility must be separately licensed. If a pet animal facility operates more than one business from a single location, no additional pet animal facility license is required. However, the name of each business providing services that are related to those of a pet animal facility must be noted on the application form.

If a pet animal facility operates more than one business from a single location, the owner must pay the most expensive category's annual fee. Each business operated, regardless of the classification of licensure held, complies with all rules and regulations pertaining to each classification.

---

## Program Description and Administration

---

As illustrated in the table below, the total number of licensed facilities is less than the total number of classification of facilities in operation. This discrepancy is due to facilities that operate more than one business category within the same facility.

**TABLE 5 - CLASSIFICATION OF LICENSED FACILITIES**

Type of Business	1996	1997	1998	1999*
Retail	298	335	321	294
Boarding	300	295	303	327
Grooming	535	553	552	568
Public Shelter	36	39	42	36
Private Shelters	47	53	54	57
Rescues	63	68	73	76
Dog Breeders (Commercial)	27	32	29	23
Dog Breeders (Small Operations)	101	102	121	117
Cat Breeders	11	10	10	10
Bird Breeders	94	74	67	61
Small Animal Breeders	40	30	29	22
Training	90	104	88	83
Total Number of Business Activities in Licensed Facilities	1642	1695	1681	1674
Total Number of Licensed Facilities	1104	1139	1178	1202

\*March 1 – August 4, 1999

---

## COMPLAINTS AND INSPECTIONS PROCEDURE

---

### **Complaints**

One of the responsibilities of the Animal Industry Division is the handling of complaints against licensed and unlicensed pet animal care facilities. The Division routinely screens complaints to make sure that the Division has jurisdiction to respond and that the complaint, if valid, would constitute a violation of the law. After the initial screening, all complaints are referred to the appropriate inspector who performs an investigation of the facility to determine the validity of the complaint. Each complaint received by the Division may include several potential violations. Occasionally, during the complaint investigation, inspectors detect additional violations. Inspectors issue violations to those facilities where the complaint was valid. The goal of the program is to respond to the complaint within 5 days and to resolve it within 6 weeks.

---

## Program Description and Administration

---

Animal control agencies, police departments, and sheriff's offices lack jurisdiction and enforceable minimum standards to effectively respond to complaints. With the advent of PACFA, agencies now refer the majority of complaints regarding facility standards or animal care involving PACFA licensed facilities. As demonstrated on Table 6 below, there is a discernible increase in the number of complaints received from these agencies and from the public.

In Fall 1998, PACFA began using a Microsoft Access database. All complaints are now classified as either valid or invalid, depending upon whether the allegation violated any rule or regulation of PACFA. Valid complaints against a facility result in penalty points that are used partly to determine the risk-based inspection category for that facility.

The table below illustrates the summation of complaint investigations performed by the Division.

**TABLE 6 – COMPLAINT INVESTIGATIONS PERFORMED  
1995-1999**

	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999*</b>
Total number of complaint investigations**	67	169	222	236	60
Total number of valid complaints from investigations	26	68	102	100	27
Total number of invalid complaints from investigations	41	101	120	136	33

\*Complaints for license year 1999 are from March 1, 1999 – August 1, 1999

\*\* Each complaint may include several reported violations.

## Program Description and Administration

**TABLE 7 - FINDINGS OF INVESTIGATIONS INITIATED FROM COMPLAINTS**

This table depicts the specificity and the number of reported, and subsequently valid PACFA violations contained in complaints submitted to the Animal Industry Division. Also illustrated in this chart are additional violations discovered during a complaint investigation.

	1995			1996			1997			1998			1999◆		
	Reported Violations from Complaints	# of Valid Violations	# of Other Violations*	Reported Violations from Complaints	# of Valid Violations	# of Other Violations*	Reported Violations from Complaints	# of Valid Violations	# of Other Violations*	Alleged Violations from Complaints	# of Valid Violations	# of Other Violations*	Reported Violations from Complaints	# of Valid Violations	# of Other Violations*
Structure & Construction	1	0	0	1	0	0	3	2	0	0	0	1	1	0	1
Interior Surfaces	1	1	0	1	0	3	1	1	9	3	3	3	0	0	2
Heating/Cooling/Ventilation	6	1	0	19	7	0	36	14	0	31	13	3	9	5	1
Water/Washrooms	0	0	0	0	0	0	0	0	2	1	0	1	0	0	1
Drainage & Waste Disposal	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0
Electric Power/Lighting	1	0	0	0	0	0	2	0	2	2	0	1	1	0	0
Isolation	0	0	0	0	0	2	4	2	1	5	3	0	1	1	2
Grooming	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Runs & Pens	2	1	0	2	0	3	1	1	2	3	3	0	0	0	1
Shelter from Elements	0	0	0	1	0	0	1	1	0	2	1	0	0	0	0
Surfaces/Substrates	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Capacity/Perimeter Fence/Barrier	26	8	0	26	8	0	23	5	0	30	7	0	7	2	0
Enclosure	9	2	0	9	2	0	13	2	3	11	3	2	4	2	0
Animal Care	73	24	0	73	24	0	94	38	1	111	39	1	28	10	0
General Requirements	8	2	2	8	2	2	16	4	3	15	3	4	2	0	0
Space & Additional Requirements	10	2	0	10	2	0	10	3	0	10	2	3	3	1	1
Floors	1	1	1	1	1	1	0	0	1	0	0	0	0	0	3
Exercise & Socialization	0	0	0	0	0	0	1	0	0	6	0	1	0	0	0
Veterinary Care	44	6	1	44	6	1	65	18	0	59	12	3	16	4	0
Feeding/Watering	5	3	1	5	3	1	13	5	0	10	1	0	5	3	3
Storage	1	1	2	1	1	2	0	0	3	1	1	6	1	1	3
Cleaning & Sanitation	54	25	1	54	25	1	76	39	0	69	27	3	14	7	2
Pest Control	2	2	1	2	2	1	3	2	2	6	5	1	0	0	1
Records	2	1	0	2	1	0	4	3	1	5	3	2	1	0	0
Banding/Identification	1	0	0	1	0	0	7	5	3	2	2	4	2	1	0
Civil Issue	16	0	0	16	0	0	19	0	0	31	0	0	6	0	0
<b>Total</b>	<b>263</b>	<b>80/30%</b>	<b>9</b>	<b>277</b>	<b>84/30%</b>	<b>17</b>	<b>393</b>	<b>145/36%</b>	<b>33</b>	<b>413</b>	<b>128/30%</b>	<b>39</b>	<b>101</b>	<b>37/36%</b>	<b>23</b>

\* Additional violations discovered upon a complaint investigation that were not originally filed as a complaint.

◆ Investigations completed through August 31, 1999.

### ***Inspections***

To successfully implement the pet animal care and facilities program, the Animal Industry Division employs two inspectors to enforce compliance with the provisions of PACFA and the rules and regulations. The inspection staff of the Division provides market place surveillance throughout the state through inspection visits. Section 35-80-110(3), C.R.S., permits the Commissioner to perform investigations at any reasonable time during regular business hours.

Routine inspections were accomplished on every PACFA facility for the first three licensing years of the program. In the fourth licensing year (March 1998-February 1999), the routine inspection portion of the PACFA program converted to a risk-based inspection program. Based on past performance, each facility is assigned a risk assessment classification of low, medium, or high risk. Low risk facilities are inspected once every three years, medium risk facilities once every 18 months, and high-risk facilities are inspected twice yearly. The factors that determine a facility's risk classification include the number of violations in a facility's past, type and severity of violations, as well as weighing the relative harm that could be caused by the violation. The risk-based program allows more efficient use of personnel to administer the program by allowing the inspectors to devote greater time and effort towards high-risk facilities.

During an inspection, an inspector examines the general conditions of the facility and the care of the animals for possible violations of the law. The inspector reviews sanitation; the structure of the facility; heating, cooling, and ventilation components; drainage and waste disposal; and electric power and lighting. An inspection also includes an evaluation of pet enclosures, animal isolation rooms, and provisions for animal exercise and socialization. Depending on the severity of the violation(s), inspectors may require immediate correction or give the facility up to 45 days to comply.

## Program Description and Administration

---

Pet animal facility inspection is a major part of the program. Inspectors are responsible for all field inspections whether initiated by a complaint, an application for licensure, or a routine inspection. The most frequent violations cited during an inspection are generally related to animal care, facility cleaning and sanitation, and lack of veterinary care. If these violations were to remain uncorrected, conditions would result in squalor, transmission of disease, overcrowding of animal enclosures, injury, and dehydration.

As illustrated in Table 8 below, the number of routine inspections devoid of violations has steadily increased from 1995 to 1999.

**TABLE 8 - VIOLATIONS CITED DURING ROUTINE INSPECTIONS FOR LICENSE YEARS 1995-1999**

	1995	1996	1997	1998	1999*
Total no. of inspections	490	1004	1046	749	284
Total no. of inspections with violations	382	755	677	395	124
Total no. of inspections without violations	108 22%	249 24%	369 35%	354 47%	160 56%
Total no. of violations	904	1767	1466	862	259
Total with 1 violation	93	244	277	164	54
Total with 2 violations	140	230	192	111	41
Total with 3 violations	92	174	113	59	16
Total with 4 violations	42	53	50	32	6
Total with 5 violations	10	26	22	11	3
Total with 6 violations	1	15	13	13	0
Total with 7 violations	2	6	7	4	2
Total with 8 violations	1	3	1	0	0
Total with 9 violations	1	1	0	0	1
Total with 10 violations	0	0	1	1	0
Total with 11 violations	0	2	1	0	0
Total with 12 violations	0	1	0	0	0
Total with 13 violations	0	0	0	0	1

\*Inspections for Licensing Year 1999 are from March 1, 1999-May 31, 1999



## Program Description and Administration

---

### *DISCIPLINARY ACTIONS*

---

The Animal Industry Division has a variety of enforcement mechanisms available to them that are created by statute. The Division may take disciplinary action by withholding, denying, suspending, or revoking the license of any facility. The Division may invoke criminal or civil penalties, levy fines for violations of the law, and issue cease and desist orders.

Measuring the effectiveness of PACFA requires more than simply analyzing the number of disciplinary actions imposed on licensed facilities. The total number of yearly violations has markedly decreased since the inception of the program as illustrated in Table 8 on page 21. This demonstrates a facility owner's ability to understand and meet minimum standards, which in turn, improves the conditions for the animals. In addition, the Division has increased compliance through the monitoring of newspaper advertisements, and by investigating complaints of unlicensed facilities.

The intent of the Division is not to initially close down facilities that do not comply with the regulations. Rather, they educate owners and employees on correcting substandard care and on improving the conditions in the facility.

The table below represents disciplinary actions taken by the Division from 1995 – May 31, 1999.

**TABLE 9 -DISCIPLINARY ACTIONS**

	1995-96	1997	1998	1999*	TOTAL
Fines resulting from inspections	0	1	3	0	4
Fines issued to unlicensed facilities	0	0	3	0	3
Fines resulting from complaints	0	2	6	1	9
Cease and desist - unlicensed facilities	1	5	28	1	36
Cease and desist resulting in loss of licensure◆	1	3	2	2	8
Cease and desist – previously licensed⊙	7	14	18	28	67
Facilities litigated⊗	2	2	4	4	12
Revocations or refusal to renew	0	4	1	0	5
<b>Total</b>	11	31	65	36	144

\* Inspections from March 1, 1999 - May 31, 1999.

◆ Licensed facilities that were issued cease and desist orders that subsequently resulted in loss of license.

⊙ Facilities that were licensed in previous years that failed to renew license, cease and desist orders were issued as a compliance measure.

⊗ Legal action to obtain temporary restraining orders, stipulated agreements, or summary judgements.

*SUNSET REVIEW SURVEY OF PET ANIMAL CARE FACILITY OWNERS*

---

***Methodology***

As part of this sunset review, a survey was developed and mailed to a sample of pet animal care facility owners, animal control officers, and animal welfare related associations. This section of the sunset review provides a discussion of survey responses regarding the effectiveness and the continuation of the regulatory program.

The purpose of the survey was to gather information on how facility owners feel about a variety of issues relating to the regulation of pet animal care facilities. The two-page survey contained 11 questions with several sub-questions. Respondents were asked to answer questions measuring attitudes about the current regulatory system and the Pet Animal Care Advisory Committee. Two open-ended questions were also included to solicit any additional problems, solutions, or priorities for change. The sunset review survey is presented in Appendix C.

In March 1999, a random sample of 30 percent of the total number of facility owners was selected to receive the survey. The proportion of each facility category sampled was equal to the representation licensed by the Department of Agriculture. One hundred sixty three responses were received, representing a response rate of 48%.

The table on the following page profiles the categories of facilities responding to the questionnaire.

## Program Description and Administration

---

**TABLE 10 - SURVEY REPRESENTATIVE PROFILE**

Type of License	# Surveys Mailed	Number responding	Type of License	# Surveys Mailed	Number responding
Bird Breeder Facility	9	6	Animal Shelter Facility	21	19
Pet Animal Training Facility	5	3	Animal Shelter/Animal Rescue	1	1
Dog Breeder Facility	25	8	Animal Rescue Facility	11	8
Dog Breeder/Retail Facility	3	1	Boarding/Grooming/Training Facility	15	7
Dog Breeder/Small Animal	1	1	Boarding/Grooming/Retail/Small Animal	1	1
Dog Breeder/Bird Breeder	1	1	Boarding/Grooming/Small Animal/Training/ Dog Breeder	1	1
Dog Breeder/Boarding Facility	3	3	Boarding/Grooming/Shelter Facility	4	4
Feline Breeder	3	2	Boarding/Grooming/Shelter/ Training	1	1
Pet Grooming Facility	59	38	Boarding/Grooming/Dog Breeding	3	1
Pet Grooming/Boarding Facility	24	15	Boarding/Grooming/Dog Breeding/Training	2	1
Retail Facility	31	11	Boarding/Grooming/Rescue Facility	1	1
Retail/Bird Breeder Facility	1	1	Boarding/Grooming/Rescue/ Training	1	1
Retail/Bird Breeder/Small Animal	1	1	Boarding/Small Animal/Dog Breeder Facility	1	1
Retail/Pet Training Facility	1	1	Boarding/Small Animal/Rescue/Training	1	1
Retail/Pet Grooming Facility	10	3	Boarding/Shelter Facility	3	3
Small Animal Facility	4	4	Boarding/Rescue/Training Facility	1	1
Small Animal/Dog Breeder/Train	1	1	Animal Control	21	4
			Associations	13	3

### **Findings**

The sunset survey asked questions to determine whether there was general satisfaction among the owners of the licensed facilities. Respondents were asked multiple-part questions regarding PACFA inspections and the accessibility and knowledge of the inspectors.

On the question of satisfaction with the inspector’s knowledge of the rules and regulations regarding the pet animal facility, 99 percent of respondents agreed that the inspectors were knowledgeable of the rules and regulations regarding their specific facility. Also, 97 percent of the respondents agreed that the inspectors treated them courteously during the inspection. A total of 64 facilities surveyed had been cited for violations. Of these, 61 (95%) owners agreed that the inspectors worked with them to resolve the problems. This data indicates that there is an overwhelming satisfaction with the inspection procedure of the Animal Industry Division.

---

## Program Description and Administration

---

Respondents were asked to comment on nine specific regulations for facilities in PACFA. A five point scale was used to measure responses. On the question of license requirements for each location of a pet animal facility, 60 percent responded that the requirement is absolutely essential and 17 percent indicated that the requirement is moderately important. Conversely, only 8 percent felt that it was not important to license each location of a facility. Regarding minimum standards for sanitation, ventilation, and heating and cooling of facilities, 74 percent agree that it is absolutely essential. Only four percent disagreed with the environmental requirements. The response to the minimum standards for humane care and medical treatment was almost identical to the response to the environmental requirements.

Regarding record-keeping requirements, approximately 56 percent agreed that they are absolutely essential, while another 23 percent indicated that the requirement is moderately essential.

When asked whether the PACFA program should continue, 93 percent noted that they wanted the program to continue. Of the 93 percent, 31 percent made recommendations to modify the program. Consistently, they recommended stricter enforcement regulations, greater vigilance by the Division for compliance issues, and a reduction in the licensing fee. In addition, some respondents suggested that inspections be performed only when there is a complaint. The survey results indicate that there exists a consistent desire for continued regulation among all categories of license holders.

### ***Other Findings and Summary Information***

- The average number of inspections for all facilities in the past two years is 1.8.
- Of the 179 inspections reported: 33 were generated from new applicants, 137 were routine, and 9 were the result of a complaint.
- When asked whether they were given advanced notification of an inspection, 46 percent responded that they received advanced notification, while 54 percent were not notified.

## Program Description and Administration

---

- The requirement for maintaining records concerning health and euthanasia of animals is supported by over 80 percent of all respondents.
- Thirty-seven percent of the respondents were familiar with the Pet Animal Care Advisory Committee. However, 62 percent support its continuance, 31 percent are uncertain whether to continue, and 7 percent want it to sunset.

## Analysis and Recommendations

---

***Recommendation 1 - Continue the Pet Animal Care and Facilities Act and set a new sunset date of 2009.***

---

The regulatory program in the Animal Industry Division has five components that provide for an effective program.

- Licensure
- Inspection
- Distribution of information
- Complaint resolution
- Enforcement

The licensure component that identifies pet animal care facilities contributes to equal and effective enforcement of the law. Of equal importance, the inspection process provides consistent inspection of pet animal facilities by qualified inspectors. Inspections of pet animal care facilities achieve two goals. The first goal is to ensure that the health and environment of the animal residing in a facility meets the minimum requirements outlined in both statute and rule. The second goal is to ensure that the public can purchase animals from a facility that meets minimum safety and health standards.

The third component of the regulatory program is to provide educational information to both the public and the licensed facility owners. Examples of educational materials produced by the Division include a newsletter, PACFA program brochure, disease control packet, and hand-fed baby bird pamphlet.

## Analysis and Recommendations

---

Another important aspect of the program is the Division's authority to respond to, and resolve complaints concerning pet animal facilities. No other agency or private organization can adequately regulate pet animal care facilities. Local, state, and federal agencies such as animal control officers, police and sheriff departments, and the United States Department of Agriculture lack the jurisdiction and authority to adequately investigate those complaints. The Colorado Bureau of Animal Protection (Bureau) has the authority to investigate cases of starvation, willful neglect, and physical abuse, but most often the facility conditions are not a violation of the Animal Protection statute. PACFA has explicit and reasonable minimum requirements for facility standards, which ensure a more humane environment where pet animals are raised and receive services.

The enforcement component of the regulatory program provides the Division the authority to issue cease and desist orders, revoke licenses, and issue fines for violations of PACFA. As illustrated in Table 9 on page 22, a total of 111 cease and desist orders and 16 fines were issued from 1995 through 1999 to licensed and unlicensed facilities. Prior to the enactment of the Pet Animal Care and Facilities Act in 1994, the level of enforcement and administration under the Department of Health (DOH) was inadequate. The program was allocated only one-quarter of an FTE and DOH restaurant inspectors were responsible for inspecting breeding and boarding kennels. There was no inspection or enforcement of pet animal rescue, shelter, training or retail store facilities, even though the level of risk to the pet animal was comparable.

The PACFA program has created a greater awareness in the pet animal industry of the standards for the operation of a pet animal care facility. The focus of the Division is to encourage businesses to comply with the law, not put them out of business. During the routine inspections in 1996, 24% of the facilities were violation free, whereas in 1997 and 1998, the total number of violation-free inspections were 35% and 47% respectively. For the year 1999 to date, 56% of routine inspections were violation free. Violations most often cited occur in animal care, cleanliness, and sanitation. Many of these violations were brought into compliance through cooperation between the Division and the licensed facility owner, making it unnecessary to issue further compliance orders or cease and desist orders.

## Analysis and Recommendations

---

The pet animal care industry in Colorado continues to grow, reflected by a steady increase of 1104 licensed facilities in 1995 to 1202 licensed facilities in August 1999. One-half of the new licenses generated each year are from compliance efforts of the Animal Industry Division.

The survey results clearly indicate a consensus in the opinions of those persons surveyed. Ninety-three percent of the respondents support continued regulation. Likewise, 93 percent of those responding indicate that the inspectors are knowledgeable of, and responsive to, facility operations. Regarding the importance of minimum standards for facility sanitation, ventilation, heating, cooling, and humane care for animals, 74 percent agreed that it is an essential component of the program.

It is the conclusion of this review, that the pet animal care facilities program serves to protect both the public health, safety, and welfare as well as animal health and environment by ensuring that persons involved in the program meet minimum standards for their facilities.

### ***Recommendation 2 - Increase the cap on the licensing fee to \$250.***

---

It is the intent of the Legislature that license fees pay for the operational costs of the program. The Commissioner establishes each facility's licensing fee, subject to a statutory maximum limit of \$200. All license fees collected by the pet animal care and facilities program are deposited into the Pet Animal Care and Facility Fund to be used for the implementation of the program. According to the Animal Industry Division, Budget Administrative Office, the amount of revenue generated does not pay for the actual costs of the services performed. With the fee cap imposed by the statute, the Commissioner is unable to cover costs, but must continue to perform the statutory duties. The substantial legal service fees for the past three years have created a deficit as demonstrated by Table 3 on page 15.



---

## Analysis and Recommendations

---

Although the Commissioner has the authority to raise the fees of licensed facilities, several categories of licenses are already set at the \$200 maximum. One way of reconciling the program deficit is to raise the fees of those facilities that are below the \$200 maximum. However, the current fees are equitable for the level of regulation each category of license requires. For instance, it requires greater resources to regulate pet stores, animal shelters, and boarding kennels where there is a higher risk to animals than to regulate rescue and training facilities. The ability to impose a slight fee increase in all categories would generate the additional revenue needed to fully fund the program.

***Recommendation 3 - Grant the Division the added authority to make subsequent inspections of facilities whose licenses were revoked, denied, or not renewed.***

---

Amend §35-80-110(3), C.R.S., of the Pet Animal Care Facilities Act to read:

*In addition to any inspections described herein, after the denial, suspension or revocation of a license for a pet animal facility, the Commissioner shall have free and unimpeded access to the areas and records specified in (a) and (b) immediately above to verify that operation of a pet animal facility has ceased.*

After a license is denied, suspended, or revoked, this provision grants the Department specific authority to make subsequent inspection(s) to verify that the operation has ceased. Such a provision would eliminate any arguments that the Department lost jurisdiction to make inspections after a proceeding determining status (denial, suspension, revocation) was completed. It also provides notice to the offender that additional action may be brought if operation is not ceased.

## Analysis and Recommendations

---

***Recommendation 4 – Amend §35-80-108 and §35-80-114, C.R.S. to prohibit the alteration or falsification of any certificate of veterinary inspection or any other veterinary health certificates. .***

---

There have been six cases of animal health certificate fraud since the inception of the PACFA program. Health certificates are required to transport a pet animal across state lines, for eligibility in pet shows, or for pet animal sales or other pet animal events. In the past, the Department of Agriculture, Animal Industry Division has received notification from other states' departments of agriculture or from airline companies regarding fraudulent Colorado health certificates. These entities requested an investigation concerning the validity of the Colorado animal health certificate. In all six cases, the Animal Industry Division determined the documents were forged, tampered with, or illegally reproduced and that the persons were licensed in the PACFA program.

Presently, the Commissioner has no statutory authority to discipline licensed facilities engaging in fraudulent health certificate production. This recommendation authorizes the Commissioner to issue civil penalties and/or other discipline to those facilities determined to have produced a fraudulent health certificate. The recommended language, provided by the Assistant Attorney General for the Department of Agriculture reads as follows:

§35-80-108(1)(m) – *To alter or falsify any certificate of veterinary inspection or any other veterinary health certificate.*

§35-80-114 – Criminal penalties. Any person who violates the provisions of section 35-80-108 (1)(a), (1)(b), (1)(c), (1)(f), or (1)(m) commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

***Recommendation 5 – Amend the title “small dog breeder” in §35-80-102 (13), C.R.S., to read “dog breeder – limited operations.”***

---

The title “small dog breeder” in §35-80-102 (13), C.R.S., is often interpreted as the breeding of small-sized dogs. It is the intent of this recommendation to remove confusion surrounding the name of this type of dog breeding operation that operates on a limited basis; not to amend the definition of this type of operation.

# Pet Animal Advisory Committee

---

## *CREATION, MISSION AND COMPOSITION*

---

The Pet Animal Advisory Committee (Committee) has functioned for five years advising and providing information to the Commissioner of Agriculture. The Committee is comprised of 16 members appointed by the Commissioner of Agriculture and includes:

- (a) one person who represents animal rescue;
- (b) one person who represents bird breeders;
- (c) one person who represents small dog breeders;
- (d) one person who represents cat breeders;
- (e) one person who represents small animal breeders;
- (f) one person who represents boarding kennels;
- (g) one person who represents pet groomers;
- (h) one person who represents pet animal retailers;
- (i) one person who represents pet animal wholesalers;
- (j) one person who represents animal control officers;
- (k) one person who represents animal shelters;
- (l) one licensed veterinarian;
- (m) one person who represents commercial dog breeders; and
- (n) three members of the general public who do not have a financial interest in any of the groups listed above.

The Committee members serve for three-year terms and must be residents of the State of Colorado.

---

## Pet Animal Advisory Committee

---

### *MEETINGS AND EXPENDITURES*

---

The Committee members receive no compensation, incur no expenses, and meet when requested by the Commissioner. From April 1996 through May 1999, the Committee met 4 times. Beginning in 1999, the Committee plans to meet twice yearly. Please note the table below showing the meeting schedule with the number of attendees.

<b>Date of Meeting</b>	<b>Members Present</b>
April 23, 1996	15
April 10, 1997	14
September 25, 1998	14
May 10, 1999	14

### *ADVISORY COMMITTEE CONSIDERATIONS AND ACCOMPLISHMENTS*

---

The primary responsibility of the Committee as stated in §35-80-115, C.R.S., is to advise the Commissioner in establishing rules and regulations for the licensure program. Committee accomplishments include:

#### **1996**

During the April meeting, the Animal Industry Division reported on the progress of the newly implemented program. The Division discussed such issues as the number of facilities, facility inspections, and financial status of the program. Committee members presented feedback from their constituency regarding the operation of the PACFA program.

### 1997

Both statute and rule changes were proposed and subsequently implemented. Statute and rule changes included the following:

#### **Statute Changes**

- Implemented the psittacine bird band registration requirement and fee.
- Added the small animal breeder facility licensure requirement.
- Determined that two or more pet animal facilities operating from one premise is considered a single facility for licensing fee requirements.

#### **Rule Changes**

##### Retail and Wholesale Pet Animal Dealership

- Required pet animal dealership records to be housed on the premises for 90 days.
- Required sufficient drinking water to prevent dehydration or heat prostration.
- Prohibited the trade of underage pet animals.

##### Dog Breeder Facility Standards

- Defined standards for animal enclosures in dog breeding facilities.
- Provided for adequate ventilation in dog breeding facilities.

##### Bird Breeder Facility Regulations

- Specified and defined two classifications of licensure for psittacine bird breeders.

##### Pet Grooming Facility Regulations

- Required water resistant floor surfaces in grooming facilities.

##### Cat Breeder Facility Regulations

- Prohibited the trade of underage pet animals.

## Pet Animal Advisory Committee

---

### Pet Animal Boarding Facility Regulations

- Defined the circumstances acceptable for tethering animals.
- Required sufficient drinking water to prevent dehydration or heat prostration.

### Animal Shelter Regulations

- Established a licensing fee for public animal shelters.
- Included premise housekeeping requirements for shelter facilities.
- Clarified requirements for a perimeter fence in a shelter facility.
- Limited the number of dogs that may be housed together in a shelter facility.
- Allowed public shelters to petition for a waiver of the fee if the cost is overly burdensome.
- Required sufficient food for pet animals transported for longer than 8 hours.

### 1998

The activities of the Committee in 1998 included the following:

- Removed the fee exemption for public animal shelters, although, they still have the option to petition for an exemption in hardship cases.
- Established the number of small animal breeder transfers for individual species in rule rather than in statute.
- Initiated the psittacine bird band fee.
- Considered a new sub-class and fee for bird breeders.

## Pet Animal Advisory Committee

---

- Subcommittee members presented the unweaned baby bird brochure. Committee members voted to accept the brochure that was subsequently distributed to several PACFA facilities that handle unweaned baby birds. The brochure informs and educates the public, thereby improving the well being of baby birds.
- Considered revising the statute to change the weaning age for rabbits and to separate the number of breeder transfers from the number of shelter animals housed.
- Discussed a request for an umbrella license for a company developing in-home day care for dogs.

### **1999**

- Discussed the possibility of an increase in licensing fees.
- Reviewed the request from Colorado Association for Animal Welfare Advocates (CAFAWA) regarding record-keeping requirements for animal shelters. CAFAWA requested that PACFA licensees keep records regarding number of animals admitted to shelters, number adopted, number euthanised, and number returned to owners.
- Discussed the creation of a new subclassification for aquarium only wholesale and retail pet dealerships.
- Considered combining the licensure requirements for animal boarding and animal training facilities.
- Reviewed the proposal to increase the fee charged for late renewals from 10% to 20%.

*ANALYSIS AND RECOMMENDATION*

---

***Recommendation 1 - The Department of Regulatory Agencies recommends that the General Assembly continue the Pet Animal Advisory Committee.***

---

The Pet Animal Advisory Committee advises the Commissioner on matters relating to the rules and regulations of PACFA. The Committee is representative of the regulated industry and provides a conduit through which the Department of Agriculture can receive information about the concerns and the problems affecting the industry. The Committee has been a valuable and needed resource. At each meeting, the representatives present a summary of activities and issues involving their licensed category.

In addition, Committee members are often called upon to respond to questions from both the public and license holders. The committee members participate in rule and statute changes by offering valuable knowledge.

The Committee has been a vital link between the Colorado Department of Agriculture, the PACFA license holders, and the general public. It is a valuable resource for decision making because it brings a wide variety of knowledge to the Department of Agriculture. Given the diverse licensees, it is appropriate that those practicing in the field provide input into the program.



---

## Appendices

---

## Appendix A - Sunset Statutory Evaluation Criteria

---

- (I) Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- (II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- (III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters;
- (IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- (V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- (VI) The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;
- (VII) Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- (VIII) Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action; and
- (IX) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.

## Appendix B - Statute

---

### **25-4-701 - Definitions.**

As used in this part 7, unless the context otherwise requires:

- (1) "Board" means the state board of health.
- (2) "Department" means the department of public health and environment.
- (3) "Pet animal facility" means any place or premises used in whole or in part for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or transferring such animals.
- (4) "Psittacine birds" includes all birds of the order psittaciformes.

### **25-4-702 - Board to establish rules - department to administer.**

(1) The board may establish rules that are necessary to carry out the provisions of this part 7. Such rules shall set forth procedures to be followed by pet animal facilities in the event of an outbreak of disease or quarantine. Such rules may include provisions pertaining to the breeding and sale of psittacine birds that are necessary to prevent or minimize the danger of transmission of psittacosis to handlers, the general public, and other pet birds.

(2) This part 7 shall be administered by the department; except that local health departments and animal control personnel may be authorized by the department to assist it in performing its powers and duties pursuant to this part 7.

(3) (Deleted by amendment, L. 94, p. 1296, § 2, effective July 1, 1994.)

### **25-4-709 - Quarantine.**

If at any time it appears to the department that any pet animal is, or was during its lifetime, infected with a disease dangerous to the public health, it may place an embargo on said pet animal and may trace, or cause to be traced, the whereabouts of said animal and determine the identity and whereabouts of any other animals which may have been exposed to such disease. If the department determines that the interest of the public health requires, it may: Cause any pet animal

facility to be quarantined for such time as the department determines to be necessary to protect the public health; prohibit the sale or importation into this state of such pet animals from such places or areas where such danger exists; and require the euthanasia and the proper disposal of infected animals.

**25-4-710 - Right of entry - inspections.**

It is lawful for any employee of the department, any employee of any county or district health department or animal control agency authorized by the department, or any authorized official of the United States department of agriculture when conducting an official disease investigation of a pet animal facility to enter such facility and to inspect the same, any animals, or any health or transaction records relating to the investigation.

**25-4-712 - Unlawful acts.**

(1) It is unlawful for any person:

(a) To make a material misstatement or provide false information to the department during an official disease investigation;

(b) To violate a provision of this part 7 or a rule promulgated pursuant to this part 7;

(c) To aid or abet another in a violation of this part 7 or a rule promulgated pursuant to this part 7;

(d) To refuse to permit entry or inspection in accordance with section 25-4-710.

(e) to (k) (Deleted by amendment, L. 94, p. 1298, § 5, effective July 1, 1994.)

**25-4-713 - Penalty for violations - assessments.**

(1) Any person who violates any of the provisions of this part 7 is guilty of a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

(2) (Deleted by amendment, L. 94, p. 1299, § 6, effective July 1, 1994.)

**35-80-101 - Short title.**

This article shall be known and may be cited as the "Pet Animal Care and Facilities Act".

**35-80-102 - Definitions.**

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

(1) "Bird hobby breeder facility" means any facility engaged in the operation of breeding and raising birds for the purpose of personal enjoyment which does not transfer more than thirty birds per year.

(2) "Canine hobby breeder facility" means any facility which transfers no more than twenty-four dogs per year or breeds no more than two litters per year, whichever is greater.

(2.5) "Commercial dog breeder" means a dog breeder that transfers at least one hundred dogs per year, excluding racing greyhounds that are not intended to be companion pets.

(3) "Commission" means the state agricultural commission.

(4) "Commissioner" means the commissioner of agriculture, or the designee of the commissioner.

(5) "Committee" means the pet animal advisory committee created in section 35-80-115.

(6) "Department" means the department of agriculture.

(6.5) "Dog breeder" means any firm, person, or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away, or otherwise transferring same, excluding racing greyhounds that are not intended to be companion pets.

(7) "Euthanasia" means to produce a humane death by techniques accepted by the American veterinary medical association.

(8) "Feline hobby breeder facility" means any facility which produces or transfers no more than twenty-four cats per year.

(9) "Livestock" means cattle, horses, mules, burros, sheep, poultry, swine, llama, and goats, regardless of use, and any animal that is used for working purposes on a farm or ranch, and any other animal designated by the commissioner, which animal is raised for food or fiber production.

(10) "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, as defined in subsection (9) of this section. "Pet animal" does not include an animal that is used for working purposes on a farm or ranch.

(11) "Pet animal facility" means any place or premise used in whole or in part, which part is used for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals. "Pet animal facility" also includes any individual animals kept by such a facility as breeding stock, such licensing of individual breeding stock to be inclusive in the pet animal facility license. "Pet animal facility" shall not mean a common carrier engaged in intrastate or interstate commerce. For purposes of this article, two or more animal facilities that have the same or a similar purpose and operate from one place or premises shall be considered a single pet animal facility.

(11.8) "Small animal breeder facility" means any facility that transfers more small mammals than the maximum number established by the commissioner by rule for each particular species.

(12) "Small animal hobby breeder facility" means any facility that transfers a number of small mammals that is less than the maximum number established by the commissioner by rule for each particular species.

(13) "Small dog breeder" means a dog breeder that transfers at least twenty-five but no more than ninety-nine dogs per year.

### **35-80-103 - Scope of article.**

(1) Any person who operates a pet animal facility that is licensed as of December 31, 1993, by the United States department of agriculture shall not be subject to the routine inspection provisions of this article but shall be subject to all other provisions, including but not limited to those concerning licensure and investigation of reported violations.

## Appendix B - Statute

---

(2) The provisions of this article shall not apply to:

(a) Any veterinary hospital which boards pet animals for the purpose of veterinary medical care only and does not actively solicit boarding business in any way;

(b) Any research facility, circus, or publicly or privately owned zoological park or petting zoo licensed or registered under the provisions of the federal "Animal Welfare Act Of 1970", 7 U.S.C. sec. 2131 et seq., as amended;

(c) Any bird hobby breeder facility, canine hobby breeder facility, feline hobby breeder facility, small animal hobby breeder facility, or any other hobby breeder facility as defined by the commissioner which is specific to other pet animal species;

(d) Any pet animal training facility where the pet animal owner or such owner's designee, other than a training facility operator, is present during the duration of the animal's stay;

(e) Any kennel operated for the breeding or sale or racing of racing greyhounds that are not intended to be companion pets;

(f) Any facility licensed pursuant to article 60 of title 12, C.R.S., for the racing of greyhounds;

(g) Any wildlife regulated by the division of wildlife or department of natural resources;

(h) Livestock, as defined in section 35-80-102 (9).

(3) (a) Any pet animal facility structure in existence and licensed by the department of health through 1991 that was in compliance with that department's regulations for such licenses shall be exempt from any conflicting requirements of this article or rules and regulations of the commissioner concerning physical premises.

(b) Any laws or rules promulgated for pet animal facilities shall not require the construction of any new buildings or major reconstruction of the existing physical premises of facilities specified in paragraph (a) of this subsection (3).

**35-80-104 - Pet animal facility license required.**

Any person operating a pet animal facility shall possess a valid pet animal facility license issued by the commissioner in accordance with this article and any rules and regulations adopted by the commissioner in accordance with the provisions of this article.

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

(1) Each applicant for a pet animal facility license shall submit an application providing all required information in the form and manner required by the commissioner.

(2) Each location of a pet animal facility shall be separately licensed.

(3) If a pet animal facility operates under more than one business name from a single location:

(a) No additional pet animal facility license shall be required for the different business names;

(b) The pet animal facility operator must maintain separate records pursuant to section 35-80-107 for each such business name; and

(c) The name of each business providing services that are related to those of a pet animal facility shall be listed with the commissioner in the form and manner designated. The commissioner may require that a separate fee be paid for each such business name.

(4) Each applicant for a pet animal facility license shall pay an annual license fee in the amount specified by the commissioner, which amount shall not exceed two hundred dollars per license.

(5) Each pet animal facility license shall expire on March 1 of each year.

(6) Each licensee shall report to the commissioner, in the form and manner the commissioner shall designate, any change to the information provided in the application or reports previously submitted within fifteen days of any such change.

(7) Licenses issued pursuant to this article shall not be transferable.



**35-80-106 - Pet animal facility license - renewal.**

(1) Each pet animal facility shall apply to renew its license on or before the first working day of March for the year of renewal. Said application shall be in the form and manner prescribed by the commissioner and shall be accompanied by the required renewal fee.

(2) If the application for renewal is not postmarked on or before the first working day of March for the year of renewal, a penalty fee of ten percent of the renewal fee shall be assessed. No license shall be renewed until the renewal fee and any penalty fee are paid.

(3) If the application and fee for renewal are not postmarked on or before April 1, the license shall not be renewed and the pet animal facility shall apply for a new license.

**35-80-106.5 - Psittacine bird leg band - fee.**

(1) Each applicant for a Colorado psittacine bird leg band shall be issued a bird leg band number by the commissioner after paying the required application fee, and each holder of a bird leg band number shall pay an annual renewal fee on or before October 1 of each year.

(2) The application and renewal fees described in subsection (1) of this section shall be set forth in rule adopted by the commissioner.

**35-80-107 - Record-keeping requirements.**

Each pet animal facility shall keep and maintain records in the form and manner designated by the commissioner. Such records shall be retained for a period of two years and shall be kept at the address specified in the license application for the pet animal facility.

**35-80-108 - Unlawful acts.**

(1) Unless otherwise authorized by law, it is unlawful and a violation of this article for any person or entity:

(a) To perform any of the acts of a pet animal facility for which licensure is required without possessing a valid license under this article;

(b) To solicit, advertise, or offer to perform any of the acts for which licensure as a pet animal facility is required without possessing a valid license to perform such acts;

## Appendix B - Statute

---

(c) To refuse to comply with a cease and desist order issued pursuant to section 35-80-111;

(d) To refuse or fail to comply with the provisions of this article;

(e) To make a material misstatement in a license application, a license renewal application, or to the department during an official investigation;

(f) To impersonate any state, county, city and county, or municipal official or inspector;

(g) To refuse or fail to comply with any rules or regulations adopted by the commissioner pursuant to this article or any lawful order issued by the commissioner;

(h) To aid or abet another in any violation of this article or any rule promulgated by the commissioner under the provisions of this article;

(i) To import or have in such person's possession for the purpose of selling, trading, giving, or otherwise transferring certain species of birds designated by the commissioner that have not been legally banded with a leg band applied during the prefeathered stage of development and appropriate to the size and species of the bird;

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

(I) Any type of turtle with a length in carapace of less than four inches; or

(II) (A) Any species of nonhuman primate.

(B) Such prohibitions, with respect to nonhuman primates, shall not apply to a zoological park or a research institute licensed or registered under the provisions of the federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131, et seq., as amended, nor shall they apply to the keeping of a nonhuman primate as a household pet by any person who owned such primate on or before July 1, 1973, or to the keeping by a disabled person of a nonhuman primate specially trained to assist such person.

(k) To sell, transfer, or adopt dogs or cats under the age of eight weeks; and

## Appendix B - Statute

---

(l) To sell, transfer, or adopt guinea pigs, hamsters, or rabbits under the age of four weeks, and such other pet animal species as may be specified by the commissioner.

(1.5) Paragraphs (i), (j), (k), and (l) of subsection (1) of this section shall apply to all persons and entities, including those specifically exempted under section 35-80-103 (1), (2) (a), (2) (c), (2) (d), and (2) (e).

(2) It is unlawful and a violation of this article for any person operating a pet animal facility:

(a) To refuse to permit entry or inspection in accordance with section 35-80-110;

(b) To sell, offer for sale, barter, exchange, or otherwise transfer immature domestic fowl in lots of less than twenty-five as pets;

(c) To sell, offer for sale, barter, exchange, or otherwise transfer raccoons or other animal species of wildlife that are prohibited to be kept as pets by the division of wildlife in the department of natural resources;

(d) To import or cause to be imported any pet animal for the purpose of sale, resale, trade, or barter by a pet animal facility operator unless such operator is the holder of a valid pet animal facility license issued pursuant to this article;

(e) To allow a license issued pursuant to this article to be used by an unlicensed person;

(f) To make any misrepresentation or false promise through advertisements, employees, agents, or otherwise in connection with the business operations licensed pursuant to this article or for which an application for a license is pending; and

(g) To fail to take reasonable care to release for sale, trade, or adoption only those pet animals that are free of undisclosed disease, injury, or abnormality.

(3) It is unlawful and a violation of this article for any employee or official of the department or any person designated by the commissioner pursuant to section 35-80-109 (6) to disclose or use for his or her own advantage any information derived from any reports or records submitted to the department pursuant to section 35-80-110 or to reveal such information to anyone except authorized persons, including officials or employees of the state, the federal government, and the courts of this or other states.

(4) The failure by any person to comply with the provisions of paragraph (a) or (b) of subsection (1) of this section or paragraph (f) of subsection (2) of this section is a deceptive trade practice and is subject to the provisions of the "Colorado Consumer Protection Act", article 1 of title 6, C.R.S.

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

(1) The commissioner is authorized to administer and enforce the provisions of this article and any rules and regulations adopted pursuant thereto.

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

(a) Minimum standards of physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, and method of operation, including the minimum holding period for and disposition of stray or abandoned pet animals that are, in the opinion of the commissioner, necessary to carry out the provisions of this article;

(b) Maintenance of records concerning health care, euthanasia, and transactions involving pet animals;

(c) The establishment of qualifications for any applicant and standards of practice for any of the licenses authorized under this article, including the establishment of classifications and subclassifications for any license authorized under this article;

(d) The issuance and reinstatement of any license authorized under this article and the grounds for any disciplinary actions authorized under this article, including letters of admonition or the denial, restriction, suspension, or revocation of any license authorized under this article; and

(e) The amount of any license fee for a pet animal facility license. Such license fee may be different for different classifications and subclassifications of any license authorized under this article.

(3) The commissioner is authorized to conduct hearings required under sections 35-80-112 and 35-80-113 pursuant to article 4 of title 24, C.R.S., and to use administrative law judges to conduct such hearings when their use would result in a net saving of costs to the department.

(4) The commissioner is authorized to determine the amount of any licensing fee authorized under this article based on the actual cost of administering and enforcing the article and any rules and regulations adopted pursuant thereto.

(5) The commissioner is authorized to enter into cooperative agreements with any agency or political subdivision of this state or with any agency of the United States government for the purpose of carrying out the provisions of this article, receiving grants-in-aid, and securing uniformity of rules.

(6) The powers and duties vested in the commissioner by this article may be delegated to qualified employees of the department.

(7) The commissioner shall appoint an advisory committee pursuant to section 35-80-115.

### **35-80-110 - Inspections - investigations - access - subpoena.**

(1) The commissioner, upon his or her own motion or upon the complaint of any person, may make any investigations necessary to ensure compliance with this article.

(2) Complaints of record made to the commissioner and the results of his or her investigations may, in the discretion of the commissioner, be closed to public inspection, except to the person in interest, as defined in section 24-72-202 (4), C.R.S., or as provided by court order, during the investigatory period and until dismissed or until notice of hearing and charges are served on a licensee.

(3) At any reasonable time during regular business hours, the commissioner shall have free and unimpeded access upon consent or upon obtaining an administrative search warrant:

(a) To those portions of all buildings, yards, pens, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out any provision of this article or any rule promulgated pursuant to this article; and

(b) To all records required to be kept and may make copies of such records for the purpose of carrying out any provision of this article or any rule promulgated pursuant to this article.

(4) The commissioner shall have full authority to administer oaths and take statements, issue subpoenas requiring the attendance of witnesses before him or her, and require the production of all books, memoranda, papers and other documents, articles, or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. Upon the failure or refusal of any witness to obey any subpoena, the commissioner may petition the district court, and, upon a proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey such an order of the court shall be punishable as a contempt of court.

**35-80-111 - Enforcement.**

(1) The commissioner or the commissioner's designee shall enforce the provisions of this article.

(2) (a) Whenever the commissioner has reasonable cause to believe a violation of any provision of this article or any rule promulgated pursuant to this article has occurred and immediate enforcement is deemed necessary, he or she may issue a cease and desist order, which may require any person to cease violating any provision of this article or any rule promulgated pursuant to this article. Such cease and desist order shall set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all actions cease forthwith. At any time after service of the order to cease and desist, the person may request, at such person's discretion, a prompt hearing to determine whether or not such violation has occurred. Such hearing shall be conducted pursuant to the provisions of article 4 of title 24, C.R.S., and shall be determined promptly.

(b) In the event that any person fails to comply with a cease and desist order within twenty-four hours, the commissioner may bring a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of this article.

(c) No stay of a cease and desist order shall be issued before a hearing thereon involving both parties.

(3) Whenever the commissioner possesses sufficient evidence satisfactorily indicating that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this article or any rule adopted under this article, the commissioner may apply to any court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule or order issued under this article. In any such action, the commissioner shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.

**35-80-112 - Disciplinary actions - denial of license.**

(1) The commissioner, pursuant to the provisions of article 4 of title 24, C.R.S., may issue letters of admonition or deny, suspend, refuse to renew, restrict, or revoke any license authorized under this article if the applicant or licensee:

(a) Has refused or failed to comply with any provision of this article, any rule adopted under this article, or any lawful order of the commissioner;

(b) Has been convicted of cruelty to animals as defined in article 9 of title 18, C.R.S., or any similar statute of any other state;

(c) Has had an equivalent license denied, revoked, or suspended by any authority;

(d) Has refused to provide the commissioner with reasonable, complete, and accurate information regarding the care of animals when requested by the commissioner; or

(e) Has falsified any information requested by the commissioner.

(2) In any proceeding held under this section, the commissioner may accept as prima facie evidence of grounds for disciplinary action any disciplinary action taken against a licensee from another jurisdiction if the violation which prompted the disciplinary action in that jurisdiction would be grounds for disciplinary action under this section.

(3) No licensee whose license has been revoked may apply or reapply for a license under this article until two years from the date of such revocation.

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

(1) Any person who violates any provision of this article or any rule adopted pursuant to this article is subject to a civil penalty, as determined by the commissioner. The maximum penalty shall not exceed one thousand dollars per violation.

(2) No civil penalty may be imposed unless the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S.

(3) If the commissioner is unable to collect such civil penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the commissioner, the commissioner may bring suit to recover such amount plus costs and attorney fees by action in any court of competent jurisdiction.

(4) Before imposing any civil penalty, the commissioner may consider the effect of such penalty on the ability of the person charged to stay in business.

**35-80-114 - Criminal penalties.**

Any person who violates the provisions of section 35-80-108 (1) (a), (1) (b), (1) (c), or (1) (f) commits a class 2 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

**35-80-115 - Advisory committee - sunset review - repeal.**

(1) There is hereby established a pet animal advisory committee to advise the commissioner in establishing regulations under this article and to provide ongoing review of this article. The members of the advisory committee shall receive no compensation or reimbursement from the state of Colorado or the department for expenses incurred in the performance of their duties. The advisory committee shall consist of sixteen persons appointed by the commissioner as follows:

- (a) One person who represents animal rescue;
- (b) One person who represents bird breeders;



- (c) One person who represents small dog breeders;
  - (d) One person who represents cat breeders;
  - (e) One person who represents small animal breeders;
  - (f) One person who represents boarding kennels;
  - (g) One person who represents pet groomers;
  - (h) One person who represents pet animal retailers;
  - (i) One person who represents pet animal wholesalers;
  - (j) One person who represents animal control officers;
  - (k) One person who represents animal shelters;
  - (l) One veterinarian licensed pursuant to article 64 of title 12, C.R.S.;
  - (m) Three members of the general public, none of whom shall represent or have a financial interest in any of the groups listed in this subsection (1); and
  - (n) One person who represents commercial dog breeders.
- (2) All members of the advisory committee shall be residents of this state.
- (3) In the event of a vacancy on the advisory committee prior to the completion of the member's full term, the commissioner shall appoint a person to complete the remainder of the term. Such person shall represent the same group as the member he or she is replacing, pursuant to subsection (1) of this section.
- (4) The initial appointments of the animal rescue representative, the small animal breeder, the pet animal wholesaler, one member from the general public, and the commercial dog breeder shall expire on January 1, 1995. The initial appointments of the bird breeder, the representative of boarding kennels, the representative of animal control officers, the small dog breeder, and one member from the general public shall expire on January 1, 1996. The initial appointment of all other members shall be for a term of three years. Thereafter, members of the advisory committee shall serve for terms of three years.

(5) (a) This section is repealed, effective July 1, 2000.

(b) Prior to said repeal, the advisory committee appointed pursuant to this section shall be reviewed as provided for in section 2-3-1203, C.R.S.

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

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

**35-80-117 - Repeal of article - sunset review.**

(1) This article is repealed, effective July 1, 2000.

(2) Prior to such repeal, the licensing functions of the commissioner shall be reviewed as provided for in section 24-34-104, C.R.S.

# Appendix C - Survey Results

## SUNSET REVIEW SURVEY

Please note that the total of responses in each category may not equal the number of licenses since some respondents left some questions blank. Additional comments were summarized due to similarities.

### INSTRUCTIONS

The purpose of this survey is to gather information regarding the Pet Animal Care Facilities Act (PACFA). Your response will be very useful in evaluating the effectiveness of the program. If questions do not have the options or answer you would choose, please supply your own. Additional comments are welcomed.

1. What type of **license(s)** do you hold? (check all that apply). For all licenses held, please designate the number of years in business. **IF YOU DO NOT HOLD A LICENSE, PLEASE SPECIFY ON #12 THE TYPE OF AGENCY/ASSOCIATION THAT YOU REPRESENT AND COMPLETE PAGE TWO OF THE QUESTIONNAIRE.**
2. Name and address of business(es) are as follows (optional):
3. How often has your business been inspected in the past two years?

Type of Business (Number Responded)	Average Inspections
Bird Breeder Facility (6)	1.8
Animal Rescue Facility (8)	1.6
Animal Training Facility (3)	2.3
Dog Breeder Facility (8)	1.9
Dog Breeder/Retail Facility (1)	2
Dog Breeder/Small Animal Facility (1)	2
Dog Breeder/Boarding Facility (93)	1.75
Dog Breeder/Bird Breeder (1)	2
Dog Breeder/Grooming/Rescue Facility (1)	3
Feline Breeder (2)	2
Retail Facility (11)	1.5
Retail/Bird Breeder Facility (1)	2
Retail/Bird Breeder/Small Animal Facility (1)	3
Retail/Pet Training Facility (1)	2
Retail/Pet Grooming Facility (3)	2.3
Small Animal Facility (4)	1.25
Small Animal/Canine Breeder/Training Facility (1)	1
Animal Shelter Facility (19)	2
Animal Shelter/Animal Rescue Facility (1)	3
Grooming Facility (38)	1.98
Grooming/Boarding Facility (15)	1.86
Boarding Facility (8)	1.75
Boarding/Grooming/Training Facility (7)	1.7
Boarding/Grooming/Retail/Small Animal Facility (1)	2
Boarding/Grooming/Small Animal/Dog Breeder/Training Facility (1)	2
Boarding/Grooming/Shelter Facility (4)	1.75
Boarding/Grooming/Shelter/Training Facility (1)	2
Boarding/Grooming/Breeding Facility (1)	2
Boarding/Grooming/Breeding/Training Facility (1)	1
Boarding/Grooming/Rescue/Training Facility (1)	1
Boarding/Small Animal/Dog Breeder Facility (1)	1
Boarding/Small Animal/Rescue/Training Facility (1)	2
Boarding/Shelter Facility (3)	2
Boarding/Rescue/Training Facility (1)	2

## Appendix C - Survey Results

4. The following questions pertain to the most recent onsite inspection of your facility. For each question please designate all answers that apply to the specific question.

Type of Business (Number Responded)	Application Inspection	Routine Inspection	Complaint Inspection	Very Courteous	Somewhat Courteous	Not Courteous	Advance Notice of Inspection	No Advance Notice of Inspection	Deficiencies Cited	Inspector Worked to Resolve Deficiencies	Inspector Was Knowledgeable	Inspector Wasn't Knowledgeable
Bird Breeder Facility (6)	1	4	2	6			6		1	1	6	
Pet Animal Training Facility (3)	3			3			1	2	1	1	3	
Dog Breeder Facility (8)	1	3		8			8		2	2	8	
Dog Breeder/Retail Facility (1)		1		1			1				1	
Dog Breeder/Small Animal Facility (1)		2		1			1	1			1	
Feline Breeder (2)		2					2					
Pet Grooming Facility (38)	8	31	1	34	2	1	7	30	13	11	34	1
Retail Facility (11)	3	8		10			3	8	3	3	10	
Retail/Bird Breeder Facility (1)		2		1				1			1	
Retail/Bird Breeder/Small Animal Facility (1)		2	1	1			1		1	1	1	
Retail/Pet Training Facility (1)		2		1				1			1	
Retail/Pet Grooming Facility (3)		2	1	3					2	1	3	
Small Animal Facility (4)	2	2		4			4		1	1	4	
Small Animal/Dog Breeder/Training Facility (1)	1			1			1				1	
Animal Shelter Facility (19)	4	17	1	17	2		7		10	10	18	
Animal Shelter/Animal Rescue Facility (1)		2	1	1				1	1	1	1	
Dog Breeder/Bird Breeder (1)		1		1				1			1	
Boarding Facility (8)	1	7		8			3	5	3	3	8	
Dog Breeder/Boarding Facility (3)	2	1		3			2	1	1	1	3	
Grooming/Boarding Facility (15)	2	14	1	15			4	11	10	10	15	
Boarding/Grooming/Training Facility (7)	2	6	1	7			2		2	2	7	
Boarding/Grooming/Retail/Small Animal Facility (1)		1		1				1	1	1	1	
Boarding/Grooming/Small Animal/Dog Breeder/Training Facility (1)		1		1				1	1	1	1	
Boarding/Grooming/Shelter Facility (4)		4		4			2	2	4	4	3	
Boarding/Grooming/Shelter/Training Facility (1)		2		1				1				
Boarding/Grooming/Breeding Facility (1)		2		1				1	1	1		
Boarding/Grooming/Breeding/Training Facility (1)		1		1				1	1	1		
Breeding/Grooming/Rescue Facility (1)		3		1				1				
Boarding/Grooming/Rescue/Training Facility (1)		1		1				1	1	1		
Boarding/Small Animal/Dog Breeder Facility (1)	1			1			1		1	1		
Boarding/Small Animal/Rescue/Training Facility (1)		2		1			1					
Boarding/Shelter Facility (3)		3		3			1	2	2	2		
Boarding/Rescue/Training Facility (1)		2		1			1					
Animal Rescue Facility (8)	2	6		8			6	2	1	1		
<b>TOTAL</b>	<b>33</b>	<b>137</b>	<b>9</b>	<b>151</b>	<b>4</b>	<b>1</b>	<b>65</b>	<b>75</b>	<b>64</b>	<b>61</b>		

## Appendix C - Survey Results

5. How important are the following regulations for facilities in PACFA? Please use the following scale for each item listed below. **IF NOT APPLICABLE TO YOUR BUSINESS, PLEASE INDICATE BY USING "N/A".**

Issue	Not Important At All	Moderately Unimportant	Not Sure / Neutral	Moderately Important	Absolutely Essential
License requirement for each location of a pet animal care facility	C-2 E-7 H-2 I-1	C-2 E-2	A-3 C-1 E-7 F-3 G-1 H-1 I-1 J-1	A-2 E-7 F-5 G-1 H-2 I-6 C-1 J-1	A-2 B-3 C-7 D-2 E-26 F-9 G-2 H-14 I-17 J-6
<b>Total</b>	<b>12</b>	<b>4</b>	<b>18</b>	<b>25</b>	<b>88</b>
Maintain facility records onsite for 2 years	E-9 G-1 H-2 I-1	C-2 E-2 F-1 I-4	C-1 E-6 F-5 G-1 I-4	E-3 E-15 F-7 H-5 I-8 J-4	B-3 C-7 D-2 E-13 F-4 G-3 H-11 I-9 J-4
<b>Total</b>	<b>13</b>	<b>9</b>	<b>17</b>	<b>42</b>	<b>56</b>
Prohibit the sale of turtles less than 4 inches	E-3 F-4 G-1 H-2 I-3	F-2 H-1	C-2 E-10 F-3 G-2 H-4 I-5 J-3	E-1 F-1 H-1 J-1	B-1 C-1 E-2 F-4 G-1 H-2 I-1 J-3
<b>Total</b>	<b>13</b>	<b>3</b>	<b>29</b>	<b>4</b>	<b>15</b>
Prohibit the sale of dogs or cats under the age of 8 weeks	C-2 E-2 G-1 H-1 I-1	C-3 E-1 I-1	C-2 E-1 F-1 H-1	E-4 F-6 H-2 I-4	B-3 C-6 E-12 F-8 G-3 H-9 I-13 J-5
<b>Total</b>	<b>7</b>	<b>5</b>	<b>5</b>	<b>16</b>	<b>59</b>
Prohibit the sale of guinea pigs, hamsters, rabbits, under the age of 4 weeks	E-2 H-1 I-1	H-1 I-2	C-2 E-3 F-2 G-1 H-4 I-4 J-1	E-4 F-6 H-2 I-4	B-1 C-2 E-6 F-7 G-3 H-4 I-3 J-4
<b>Total</b>	<b>4</b>	<b>3</b>	<b>17</b>	<b>16</b>	<b>30</b>
Minimum standards for physical facilities, sanitation, ventilation, heating and cooling	E-1 H-2	E-3	C-1 E-3 F-1 I-1	C-1 E-13 F-4 G-1 I-6	B-3 C-12 D-2 E-32 F-11 G-4 H-17 I-20 J-7
<b>Total</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>25</b>	<b>108</b>
Minimum standards for humane care, medical treatment	H-2	C-1 E-2	E-2 F-1 G-1 I-1	C-1 E-7 F-4 I-4	B-3 C-11 D-2 E-33 F-11 G-4 H-17 I-21 J-8
<b>Total</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>16</b>	<b>110</b>
Maintenance of records concerning health and euthanasia	C-1 E-3 H-1 I-1	C-1 H-1	E-5 F-5 G-1 I-2	C-6 E-5 F-5 G-2 H-2 I-4	B-3 C-4 D-2 E-18 F-5 G-1 H-15 I-14 J-8
<b>Total</b>	<b>6</b>	<b>2</b>	<b>13</b>	<b>24</b>	<b>70</b>
Maintenance of records concerning transactions involving pet animals	E-4 H-1 I-1	C-1 E-1 F-1 G-1 H-1 I-1	E-5 F-3 I-3	C-6 E-9 F-5 H-3 I-7	B-3 C-5 D-2 E-14 F-7 G-3 H-13 I-10 J-8
<b>Total</b>	<b>6</b>	<b>6</b>	<b>11</b>	<b>30</b>	<b>65</b>

- A - Bird Breeder
- B - Pet Animal Training
- C - Dog Breeder
- D - Feline Breeder
- E - Pet Grooming
- F - Retail
- G - Small Animal
- H - Animal Shelter
- I - Boarding
- J - Animal Rescue

## Appendix C - Survey Results

6. *State regulation of pet animal care facilities by the Department of Agriculture, Animal Industry Division should:*

Type of Business (Number Responded)	Be Continued	Be Terminated	Be Modified
Bird Breeder Facility (6)	2	1	3
Animal Rescue Facility (8)	1		5
Animal Training Facility (3)	2		1
Dog Breeder Facility (8)	5		2
Dog Breeder/Retail Facility (1)			1
Dog Breeder/Small Animal Facility (1)	1		
Dog Breeder/Boarding Facility (93)	3		
Dog Breeder/Bird Breeder (1)			1
Dog Breeder/Grooming/Rescue Facility (1)	1		
Feline Breeder (2)	1		1
Retail Facility (11)	8		3
Retail/Bird Breeder Facility (1)			1
Retail/Bird Breeder/Small Animal Facility (1)	1		
Retail/Pet Training Facility (1)			1
Retail/Pet Grooming Facility (3)	1		2
Small Animal Facility (4)	3		1
Small Animal/Dog Breeder/Training Facility (1)	1		
Animal Shelter Facility (19)	16	1	1
Animal Shelter/Animal Rescue Facility (1)			1
Grooming Facility (38)	23	3	11
Grooming/Boarding Facility (15)	6	4	4
Boarding Facility (8)	7		1
Boarding/Grooming/Training Facility (7)	5	1	1
Boarding/Grooming/Retail/Small Animal Facility (1)		1	
Boarding/Grooming/Small Animal/Dog Breeder/Training Facility (1)	1		
Boarding/Grooming/Shelter Facility (4)	3		
Boarding/Grooming/Shelter/Training Facility (1)			1
Boarding/Grooming/Breeding Facility (1)	1		
Boarding/Grooming/Breeding/Training Facility (1)			1
Boarding/Grooming/Rescue/Training Facility (1)	1		
Boarding/Small Animal/Dog Breeder Facility (1)			1
Boarding/Small Animal/Rescue/Training Facility (1)	1		
Boarding/Shelter Facility (3)	3		
Boarding/Rescue/Training Facility (1)	1		
<b>TOTAL</b>	<b>98</b>	<b>11</b>	<b>44</b>

## Appendix C - Survey Results

*There is currently a 16-member Pet Animal Advisory Committee that advises the Commissioner of Agriculture in establishing regulations for PACFA. The Advisory Committee is also undergoing a Sunset Review to determine whether it should continue.*

7. *Are you familiar with the activities of the Committee? Should the Advisory Committee be continued? Do you have any recommendations for revising the composition of the Committee?*

Type of Business (Number Responded)	Familiar With Advisory Committee	Continue Advisory Committee	Terminate Advisory Committee	Don't Know Whether to Continue Committee
Bird Breeder Facility (6)	1	3	0	
Animal Rescue Facility (8)	2	4		4
Animal Training Facility (3)	1	3		
Dog Breeder Facility (8)	2	3		5
Dog Breeder/Retail Facility (1)		1		
Dog Breeder/Small Animal Facility (1)		1		
Dog Breeder/Boarding Facility (93)	2	3		
Dog Breeder/Bird Breeder (1)				1
Dog Breeder/Grooming/Rescue Facility (1)				1
Feline Breeder (2)	1	1		1
Retail Facility (11)	4	8		3
Retail/Bird Breeder Facility (1)	1	1		
Retail/Bird Breeder/Small Animal Facility (1)				1
Retail/Pet Training Facility (1)		1		
Retail/Pet Grooming Facility (3)	3	3		
Small Animal Facility (4)				4
Small Animal/Dog Breeder/Training Facility (1)	1	1		
Animal Shelter Facility (19)	7	15	1	2
Animal Shelter/Animal Rescue Facility (1)	1			1
Grooming Facility (38)	11	16	4	18
Grooming/Boarding Facility (15)	9	9	3	3
Boarding Facility (8)		7		1
Boarding/Grooming/Training Facility (7)	1	5	1	1
Boarding/Grooming/Retail/Small Animal Facility (1)			1	
Boarding/Grooming/Small Animal/Dog Breeder/Training Facility (1)	1	1		
Boarding/Grooming/Shelter Facility (4)	3	3		
Boarding/Grooming/Shelter/Training Facility (1)				1
Boarding/Grooming/Breeding Facility (1)	1	1		
Boarding/Grooming/Breeding/Training Facility (1)	1	1		
Boarding/Grooming/Rescue/Training Facility (1)	1	1		
Boarding/Small Animal/Dog Breeder Facility (1)	1	1		
Boarding/Small Animal/Rescue/Training Facility (1)				1
Boarding/Shelter Facility (3)	1	3		
Boarding/Rescue/Training Facility (1)		1		
<b>TOTAL</b>	<b>56</b>	<b>97</b>	<b>10</b>	<b>48</b>

## Appendix C - Survey Results

---

***Additional comments are welcomed regarding the continuation of PACFA and the continuation of the Advisory Committee. Thank you for your participation.***

Additional inspectors would improve the enforcement of the regulations.

In general, the inspections create positive results. Proper feeding, cleanliness, and suitable animal enclosures will always be items of concern. These need to be continually pursued.

I think some bad pet stores need to be dealt with. However, generally I think the public will not patronize poorly kept facilities, therefore may not be necessary to regulate.

The money to continue would better be spent on educating the public not to purchase animals from pet stores. This would eliminate “wholesalers” and raise the standard of animal care and breeding.

This act is vitally important to those of us in the animal welfare field and to the animals we strive to protect.

My licensing fee for boarding dogs and cats in my small facility is the same as the fee that a large kennel pays which far exceeds my operation.

Make sure that everyone who breeds dogs buys a license regardless of how many puppies they raise. This would make owners more responsible for their dogs. Keeping them from running free and cutting down on the number of dogs that eventually end up in shelters. Too many people are raising dogs who are not licensed by the state.

I appreciate the program and believe that it insures quality as well as protect our animals from abuse and neglect.

I believe that regulation is important in the animal and pet industry to keep sanitation standards high and prevent spread of disease. It would be too easy in this industry to abuse the muteness of the animals. The regulations do speak for the animals.

We get frustrated when we work hard to comply with the regulations and we see another shop that grossly ignores the laws and gets away with it. There should be tighter regulations regarding fines and ultimately the closure of a non-compliant shop.

Please continue the licensing program. Our profession has benefited immensely by our state’s foresight to lead in this area.

Our continued ability for input as members of this industry is vital. If we all work together, it can only improve the industry and the regulatory process.



