

An Act

HOUSE BILL 21-1102

BY REPRESENTATIVE(S) Duran and Soper, Bernett, Bird, Jackson, Jodeh, Kennedy, Kipp, McCormick, Sirota, Valdez A., McCluskie, Michaelson Jenet, Ricks;
also SENATOR(S) Jaquez Lewis, Bridges, Ginal, Moreno.

CONCERNING REQUIREMENTS OF PET STORES THAT SELL CERTAIN PET ANIMALS.

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

SECTION 1. In Colorado Revised Statutes, 35-80-102, **add** (9.3), (11.3), and (11.7) as follows:

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

(9.3)(a) "OFFER FOR SALE" MEANS TO ADVERTISE A POTENTIAL SALE BY A PET STORE.

(b) "OFFER FOR SALE" INCLUDES:

(I) THE DISPLAY OF A LIVE DOG OR CAT FOR SALE; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) A VERBAL OR WRITTEN OFFER TO SELL A DOG OR CAT.

(11.3) "PET STORE" MEANS A RETAIL ESTABLISHMENT WHERE PET ANIMALS ARE SOLD OR OFFERED FOR SALE TO THE GENERAL PUBLIC. "PET STORE" DOES NOT INCLUDE AN ANIMAL SHELTER, PET ANIMAL RESCUE, CAT BREEDER, OR DOG BREEDER.

(11.7) "SALE" OR "SELL" MEANS THE EXCHANGE OF A PET ANIMAL FOR ANYTHING OF VALUE, INCLUDING PROPERTY OR MONEY. "SALE" OR "SELL" DOES NOT INCLUDE AN ADOPTION TRANSACTION BETWEEN AN ANIMAL SHELTER OR PET ANIMAL RESCUE AND A PERSON WHO ADOPTS A PET ANIMAL.

SECTION 2. In Colorado Revised Statutes, **add** 35-80-108.5 as follows:

35-80-108.5. Dog breeders and cat breeders - pet stores - prohibited sales and purchases of dogs or cats - short title. (1) THE SHORT TITLE OF THIS SECTION IS THE "PET STORE CONSUMER PROTECTION ACT".

(2) A PET STORE THAT SELLS OR OFFERS FOR SALE DOGS OR CATS SHALL:

(a) INCLUDE ON ALL ADVERTISEMENTS, INCLUDING WEBSITE POSTINGS, THE PURCHASE PRICE OF THE DOG OR CAT AND ANY APPLICABLE FEDERAL OR STATE LICENSE NUMBERS FOR THE BREEDER OF THE DOG OR CAT;

(b) POST ON THE ENCLOSURE OF EACH DOG OR CAT THE PURCHASE PRICE OF THE DOG OR CAT AND THE FOLLOWING INFORMATION ON THE DOG'S OR CAT'S BREEDER: FULL NAME; KENNEL NAME, IF APPLICABLE; CITY; STATE; AND ANY APPLICABLE STATE OR FEDERAL LICENSE NUMBERS; AND

(c) DISCLOSE TO A PROSPECTIVE CONSUMER IN WRITING, PRIOR TO THE SALE OF A DOG OR CAT, THE FOLLOWING INFORMATION ABOUT THE DOG OR CAT:

(I) THE PURCHASE PRICE OF THE DOG OR CAT;

(II) THE INTEREST RATE OR RANGE ASSOCIATED WITH ANY FINANCING OR CREDIT CARD OFFERED TO THE PROSPECTIVE PURCHASER; AND

(III) ANY APPLICABLE FEDERAL OR STATE LICENSE NUMBERS AND AN UNREDACTED LIST OF ALL VIOLATIONS OF ANY FEDERAL OR STATE LAW THE DOG OR CAT BREEDER, BROKER, OR TRANSPORTER RECEIVED IN THE PREVIOUS TWO YEARS ON A FEDERAL OR STATE INSPECTION REPORT.

(3) NOTHING IN THIS SECTION PRECLUDES A STATUTORY OR HOME RULE TOWN, CITY, COUNTY, OR CITY AND COUNTY FROM ENACTING LAWS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION, INCLUDING A PROHIBITION ON THE SALE OR OFFER FOR SALE OF DOGS AND CATS.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.



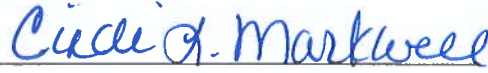
Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

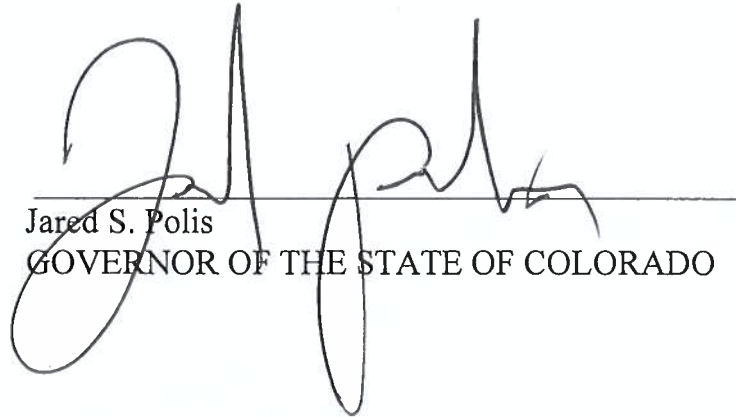


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED May 1, 2021 at 1:55 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO



PACFA INSPECTION FORM

Facility

AgLicense ID: **001QC6**

Precious Pals, Inc., Pet City

Inspection Date: **9/28/2021**

**1710 Briargate Boulevard Unit 411 (Chapel Hills Mall)
C/O Dustin Haworth
Colorado Springs CO 80920**

Type: **Complaint**

Final Result: **Compliant**

Conclusion:

September 28, 2021 -This was an unannounced inspection that was completed due to several complaints having been received regarding the facility allegedly failing to comply with the Animal Protection Act that went into effect September 1st.

I entered the facility and observed several cards attached to the enclosures just as the RP's had sent. I then met with the store manager and explained why I was there. I asked to see how they had implemented the necessary changes.

She showed me the cards on the enclosures that listed the animal, the breeder, the location of the breeder, the breeder's applicable license numbers, and the price.

The facility has created additional forms to comply and has binders containing the required inspection reports for the breeders and brokers. They are also having buyers sign that they have been given the required information.

While PACFA and the statute only require the facility to disclose who they acquired the animal from, they are going one step further and disclosing who their broker obtained the animal from and disclosing that information as well.

The inspections were provided via email on September 30, 2021, after review.

Business Rep: Dustin Haworth

Business Title: Licensee

Inspector: Jessica Hanson

Business Rep Signed Date: 09/30/2021

Inspector Signed Date: 09/30/2021

Emailed

Note

Create Date





PACFA INSPECTION FORM

Facility
Baja, Inc., Pet City
750 Citadel Drive East
C/O Bree Maestas
Colorado Springs CO 80909

AgLicense ID: **001QC7**
Inspection Date: **9/28/2021**
Type: **Complaint**
Final Result: **Compliant**

Conclusion:

September 28, 2021 -This was an unannounced inspection that was completed due to several complaints having been received regarding the facility allegedly failing to comply with the Animal Protection Act that went into effect September 1st.

I entered the facility and observed several cards attached to the enclosures just as the RP's had sent. I then met with the licensee and explained why I was there. I asked to see how they had implemented the necessary changes.

She showed me the cards on the enclosures that listed the animal, the breeder, the location of the breeder, the breeder's applicable license numbers, and the price.

The facility has created additional forms to comply and has binders containing the required inspection reports for the breeders and brokers. They are also having buyers sign that they have been given the required information.

While PACFA and the statute only require the facility to disclose who they acquired the animal from, they are going one step further and disclosing who their broker obtained the animal from and disclosing that information as well.

The inspection report was provided via email to the facility on 9/30/21 after review.

Business Rep: Bree Maestas

Business Title: Licensee

Business Rep Signed Date: 09/30/2021

Emailed

Inspector: Jessica Hanson

Inspector Signed Date: 09/30/2021

JH

Note

Create Date

