

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0431.02 Yelana Love x2295

HOUSE BILL 24-1114

HOUSE SPONSORSHIP

Lindsay, Armagost

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CONDITIONS CERTAIN PET ANIMAL FACILITIES MUST
102 MEET PRIOR TO THE DISPOSITION OF A PET ANIMAL IN THE PET
103 ANIMAL FACILITIES' CARE.

Bill Summary

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

The bill requires an animal shelter or a pet animal rescue to notify each animal shelter and pet animal rescue in the state before euthanizing a pet animal so that another animal shelter or pet animal rescue may take possession of the animal if it wants the pet animal. This requirement does

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

not apply to:

- A pet animal that is irremediably suffering;
- A dog adjudicated to be dangerous;
- A dog ordered to be euthanized by a court; or
- A dog with a history of repeated unprovoked biting prior to the current impound, as documented by an agency charged with enforcing state or local animal laws.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The citizens of Colorado value pet animals and expect that the
5 primary goal of animal shelters and pet animal rescues is to save the lives
6 of healthy and treatable pet animals; and

7 (b) Colorado's goal is to be the safest state for homeless pets.

8 **SECTION 2.** In Colorado Revised Statutes, 35-80-106.3, **amend**
9 (1) and (2); and **add** (4) as follows:

10 **35-80-106.3. Animal holding periods - disposition of unclaimed**
11 **animals - notification requirements before euthanasia - immunity**
12 **from actions over disposition of a pet animal - definition.** (1) ~~Any~~ A
13 pet animal held by or in the custody of a licensed animal shelter, whether
14 public or private, and not reclaimed by the owner shall be held by the
15 animal shelter for a minimum of five days after acquisition by the animal
16 shelter before ~~it~~ THE PET ANIMAL may become available for adoption or
17 otherwise disposed of at the discretion of the animal shelter AND IN
18 ACCORDANCE WITH SECTION 35-80-106.7; except that a shelter supervisor
19 may determine that a pet animal without identification, including but not
20 limited to a microchip or collar, may be ~~disposed of~~ MADE AVAILABLE
21 FOR ADOPTION OR TRANSFER in three days if such shelter supervisor
22 determines the shelter has no additional resources for such pet animal or

1 DISPOSED OF IN THREE DAYS IF THE SHELTER SUPERVISOR determines that
2 such pet animal is dangerous. ~~For purposes of this section, "days" means~~
3 ~~days during which the shelter is open to the public.~~ If the animal shelter
4 acquires the pet animal from the owner or an authorized representative of
5 the owner, the pet animal becomes the property of the animal shelter at
6 the time of transfer of the pet animal, and the pet animal may be disposed
7 of by and at the discretion of the animal shelter IN ACCORDANCE WITH
8 THIS SECTION AND SECTION 35-80-106.7. If the pet animal is abandoned,
9 as defined in section 18-9-201 (1), ~~C.R.S.~~, the pet animal becomes the
10 property of the animal shelter upon acquisition and may be disposed of by
11 and at the discretion of the animal shelter IN ACCORDANCE WITH SECTION
12 35-80-106.7. The animal shelter ~~shall be~~ IS the steward of stray animals
13 for the purposes of providing prophylactic veterinary care under the
14 written protocol and direction of the shelter veterinarian. A pet ~~animals,~~
15 ~~which in the opinion of~~ ANIMAL THAT a veterinarian or the animal shelter
16 supervisor, if a veterinarian is not available, ~~are experiencing extreme~~
17 ~~pain or suffering~~ DETERMINES TO BE IRREDEMIABLY SUFFERING, AS
18 DEFINED IN SECTION 35-80-106.7 (6)(b), may be disposed of immediately
19 by the animal shelter through euthanasia after the animal shelter has
20 exhausted reasonable efforts to contact the owner; however, for A pet
21 ~~animals~~ ANIMAL with identification, the animal shelter shall exhaust
22 reasonable efforts to contact the owner for up to twenty-four hours.

23 (2) An animal shelter and any employee ~~thereof~~ OF AN ANIMAL
24 SHELTER that complies with the minimum holding period as set forth in
25 subsection (1) of this section or that disposes of a pet animal in
26 accordance with the provisions of subsection (1) of this section AND
27 SECTION 35-80-106.7 for owner-surrendered animals, abandoned animals,

1 or suffering animals ~~shall be~~ IS immune from liability in a civil action
2 brought by the owner of a pet animal for the shelter's disposition of a pet
3 animal.

4 (4) AS USED IN THIS SECTION, "DAYS" MEANS DAYS DURING WHICH
5 AN ANIMAL SHELTER IS OPEN TO THE PUBLIC.

6 **SECTION 3.** In Colorado Revised Statutes, **add** 35-80-106.7 as
7 follows:

8 **35-80-106.7. Euthanasia - notice requirements - immunity**
9 **after transfer of pet animal - definitions.** (1) (a) EXCEPT AS
10 AUTHORIZED IN SUBSECTION (2) OF THIS SECTION, AN ANIMAL SHELTER OR
11 PET ANIMAL RESCUE SHALL, NOT LESS THAN THREE DAYS BEFORE
12 EUTHANIZING ANY PET ANIMAL IN ITS CARE, NOTIFY OR MAKE A
13 REASONABLE ATTEMPT TO NOTIFY BY VERIFIABLE WRITTEN OR
14 ELECTRONIC COMMUNICATION ALL LICENSED ANIMAL SHELTERS AND PET
15 ANIMAL RESCUES IN THE STATE TO PROVIDE THE SHELTERS AND RESCUES
16 WITH AN OPPORTUNITY TO TAKE POSSESSION OF THE PET ANIMAL.

17 (b) IF AN ANIMAL SHELTER OR PET ANIMAL RESCUE REQUESTS TO
18 TAKE POSSESSION OF A PET ANIMAL AFTER RECEIVING NOTICE PURSUANT
19 TO SUBSECTION (1)(a) OF THIS SECTION, THE NOTIFYING SHELTER OR
20 RESCUE SHALL HOLD THE PET ANIMAL UNTIL THE REQUESTING SHELTER OR
21 RESCUE CAN TAKE POSSESSION OF THE PET ANIMAL.

22 (c) THE REQUESTING ANIMAL SHELTER OR PET ANIMAL RESCUE
23 SHALL TAKE POSSESSION OF THE PET ANIMAL WITHIN TWO DAYS AFTER
24 REQUESTING THE PET ANIMAL.

25 (d) IF A REQUESTING ANIMAL SHELTER OR PET ANIMAL RESCUE
26 FAILS TO TAKE POSSESSION OF THE PET ANIMAL WITHIN TWO DAYS, THE
27 NOTIFYING SHELTER OR RESCUE SHALL CONTACT ANY ADDITIONAL

1 SHELTERS OR RESCUES THAT REQUESTED TO TAKE POSSESSION OF THE PET
2 ANIMAL AFTER THE INITIAL NOTICE.

3 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AN
4 ANIMAL SHELTER OR PET ANIMAL RESCUE:

5 (a) THAT KNOWS AN ANIMAL SHELTER OR PET ANIMAL RESCUE HAS
6 CHARGES PENDING AGAINST IT FOR A VIOLATION OF THIS ARTICLE 80 OR
7 RULES PROMULGATED PURSUANT TO THIS ARTICLE 80 IS NOT REQUIRED TO
8 NOTIFY OR TRANSFER AN ANIMAL TO SUCH SHELTER OR RESCUE; AND

9 (b) MAY EUTHANIZE THE FOLLOWING PET ANIMALS WITHOUT
10 MEETING THE REQUIREMENTS OF THIS SECTION IF A LICENSED
11 VETERINARIAN OR A SUPERVISOR OF THE ANIMAL SHELTER OR PET ANIMAL
12 RESCUE DETERMINES THAT:

13 (I) A PET ANIMAL IS IRREMEADIABLY SUFFERING;

14 (II) A DOG IS A DANGEROUS DOG, AS DEFINED IN SECTION
15 18-9-204.5 (2)(b);

16 (III) A DOG IS ORDERED TO BE EUTHANIZED BY A COURT; OR

17 (IV) A DOG HAS A HISTORY OF REPEATED UNPROVOKED BITING
18 PRIOR TO THE CURRENT IMPOUND, AS DOCUMENTED BY AN AGENCY
19 CHARGED WITH ENFORCING STATE OR LOCAL ANIMAL LAWS.
20 DOCUMENTATION MUST CONSIST OF MEDICAL REPORTS MADE AT OR
21 AROUND THE TIME THE PRIOR BITE INCIDENT OCCURRED THAT DESCRIBE
22 THE CIRCUMSTANCES OF THE BITE, THE NATURE AND SEVERITY OF THE
23 INJURY, AND TREATMENTS GIVEN FOR THE INJURY.

24 (3) AN ANIMAL SHELTER OR PET ANIMAL RESCUE THAT TRANSFERS
25 A PET ANIMAL PURSUANT TO THIS SECTION IS IMMUNE FROM CIVIL
26 LIABILITY FOR ACTIONS CAUSED BY THE PET ANIMAL AFTER THE TRANSFER
27 IF THE TRANSFERRING SHELTER OR RESCUE PROVIDED THE ACCEPTING

1 SHELTER OR RESCUE WITH ALL MATERIAL INFORMATION ABOUT THE PET
2 ANIMAL.

3 (4) NOTHING IN THIS SECTION PROHIBITS AN ANIMAL SHELTER OR
4 PET ANIMAL RESCUE FROM TRANSFERRING A PET ANIMAL TO AN ANIMAL
5 SHELTER OR PET ANIMAL RESCUE LOCATED OUT OF STATE.

6 (5) (a) FOR THE PURPOSE OF THE NOTIFICATION REQUIRED IN
7 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL PROCURE A
8 SYSTEM TO ALLOW ANIMAL SHELTERS AND PET ANIMAL RESCUES TO
9 CONTACT ALL ANIMAL SHELTERS AND PET ANIMAL RESCUES IN THE STATE.

10 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
11 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
12 PURPOSES OF THIS SUBSECTION (5).

13 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "DAY" MEANS A DAY DURING WHICH AN ANIMAL SHELTER OR
16 PET ANIMAL RESCUE IS OPEN TO THE PUBLIC.

17 (b) "IRREMEADIABLY SUFFERING" MEANS SUFFERING FROM AN
18 OBJECTIVELY GRAVE PROGNOSIS THAT CAUSES THE PET ANIMAL TO HAVE
19 TO LIVE WITH SEVERE AND UNREMITTING PHYSICAL PAIN EVEN WITH
20 PROMPT, NECESSARY, AND COMPREHENSIVE VETERINARY CARE, AS
21 CERTIFIED IN WRITING BY A LICENSED VETERINARIAN.

22 (c) (I) "REPEATED UNPROVOKED BITING" MEANS TWO OR MORE
23 BITES BY A DOG OF ONE OR MORE INDIVIDUALS THAT:

24 (A) ARE NEITHER ACCIDENTAL NOR PROVOKED; AND

25 (B) RESULT IN SERIOUS PHYSICAL INJURY.

26 (II) "REPEATED UNPROVOKED BITING" DOES NOT INCLUDE BITING
27 THAT OCCURS BECAUSE THE DOG WAS:

- 1 (A) BEING TAUNTED;
- 2 (B) ACTING IN DEFENSE OF ITSELF, AN INDIVIDUAL, ANOTHER
- 3 ANIMAL, OR PROPERTY;
- 4 (C) ACTING OUT OF A MATERNAL INSTINCT; OR
- 5 (D) REACTING TO HUNGER, PAIN, OR FEAR.
- 6 (d) "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING
- 7 "PHYSICAL BODILY INJURY" AS SET FORTH IN SECTION 18-1-901 (3)(p).

8 **SECTION 4. Act subject to petition - effective date.** This act

9 takes effect October 1, 2024; except that, if a referendum petition is filed

10 pursuant to section 1 (3) of article V of the state constitution against this

11 act or an item, section, or part of this act within the ninety-day period

12 after final adjournment of the general assembly, then the act, item,

13 section, or part will not take effect unless approved by the people at the

14 general election to be held in November 2024 and, in such case, will take

15 effect on the date of the official declaration of the vote thereon by the

16 governor.