



NOTICE OF PUBLIC RULEMAKING HEARING

FOR AMENDMENTS TO

“Rules Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act” 8 CCR 1202-15, Parts 19.9 and 25.9

Notice is hereby given pursuant to § 24-4-103 C.R.S. that the Department of Agriculture will hold a public rulemaking hearing:

DATE: April 1, 2022
TIME: 10:00 am
LOCATION: This hearing will be held via [Zoom](#)
CALL INFORMATION: 1-253-215-8782
MEETING ID: 892 7872 1111
PASSCODE: 126402

In order to maintain a proper hearing record you are encouraged to pre-register by completing this [Google form](#). If you do not have access to Google you may send your name and telephone number to Jenifer.Gurr@state.co.us. Pre-registration is not required to participate in the hearing.

The purposes of these proposed rule revisions is to effect the changes from House Bill 21-1102, which implements disclosure requirements for retail pet animal dealerships (pet stores) that sell dogs and/or cats.

The statutory authority for these rules is §35-80-109(2), C.R.S.

Any interested party may file written comment with the Commissioner's office prior to the hearing, or present at the aforementioned hearing written data, views or arguments. Emailed comments should be sent to the hearing officer at Jenifer.Gurr@state.co.us. A copy of the proposed rule is available on the Department of Agriculture's website at www.colorado.gov/ag or may be obtained by calling 303-869-9002. The proposed rule shall be available for public inspection at the Colorado Department of Agriculture at 305 Interlocken Parkway, Broomfield, Colorado during regular business hours.



DEPARTMENT OF AGRICULTURE

Inspection and Consumer Services Division

RULES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE PET ANIMAL CARE AND FACILITIES ACT

8 CCR 1202-15

Part 19. Recordkeeping

- 19.1. Each licensee must keep and maintain records in the form and manner designated by the Commissioner as set forth by these Rules. The licensee must maintain requisite records at the physical facility address specified in the license application for a period of two years after disposition of the animal for which the record was originally made. All required records must be made available to any inspector authorized by the Commissioner.
- 19.2. Acquisition records are required and must include, at a minimum: the date the animal was transferred; source or how acquired; name, address and phone number of the source if known; number of animals received; animal breed or species; specific identifying characteristics if available; bird band number or other identification approved by the Commissioner, if applicable; date of birth of dogs, cats, hamsters, rabbits, and guinea pigs.
- 19.3. Disposition records are required, for dogs, cats, rabbits, guinea pigs, birds, hamsters and herptiles and must include the date of birth for dogs, cats, rabbits, guinea pigs and hamsters. The disposition records must include breed or species, gender, and physical description of the animal and name, address, phone number, and signature of the recipient of the animal. For kittens under 12 weeks of age the weight at the time of transfer must be included. For psittacine birds, the bird band number must be included.
- 19.4. Facilities must record date of death or euthanasia for dogs, cats and psittacine birds. Records of euthanasia shall include species or breed, date, and method of euthanasia including dosage.
- 19.5. Maintenance
 - 19.5.1. A maintenance record must be kept for each dog and cat housed permanently at a facility. These records must include the name, date of birth, breed, gender, color, any identifying characteristics, and required permanent identification information.
 - 19.5.2. Records of animals boarded, trained or groomed must be kept by the facility and must include the name and address of the owner of the pet animal, date of transaction, species/breed, specific identifying characteristics, gender and age, and name of the owner's veterinarian.
 - 19.5.3. A record must be kept of immunizations for each boarded animal at a facility, recording the date on which the immunization was given or the expiration date of the immunization. These records may be transferred to and kept on kennel forms.
- 19.6. Zoonosis
 - 19.6.1. Any facility selling, adopting or otherwise transferring psittacine birds to the public must furnish the buyer or adopter of each psittacine bird a Psittacine Bird Sales Record approved by the Commissioner, giving the business name of the facility, the name, address and phone number of the person buying or adopting the bird, and the number,

species and leg band identification number, or other identification approved by the Commissioner, for each bird. Printed on this sales record must be a warning to the buyer or adopter of a possible psittacosis hazard. This warning must include a description of the disease signs in birds, symptoms in humans, and a statement regarding the critical need for prompt medical diagnosis and treatment when symptoms are present.

- 19.6.2. Any facility selling, adopting, or otherwise transferring reptiles must have each retail purchaser or adopter of one or more reptiles read an educational document approved by the Commissioner. This educational document must state the possible salmonellosis hazard to people and describe common hygienic practices to help prevent salmonella exposure to humans. The purchaser must sign a dated register provided by the pet animal dealer after reading this educational document.
- 19.6.3. Any facility selling, adopting, or otherwise transferring dogs, cats, or ferrets must provide an educational document prescribed by the Commissioner to each retail purchaser or adopter describing the benefits of rabies vaccination and the risk of rabies infection. This document must state the potential risk to humans posed by the rabies virus and the methods to prevent human and animal exposure. The retail purchaser or adopter must sign or initial that this document has been received.
- 19.7. In accordance with § 35-108-108(1)(i), C.R.S., no person may import or have in his possession for the purpose of selling, trading, giving away, or otherwise transferring any psittacine bird that has not been legally banded with a type of leg band authorized by the Commissioner and appropriate to the size and species of the bird. The Commissioner authorizes any traceable leg band or microchip.
 - 19.7.1. No licensed pet animal facility may use another licensee's registered leg band, nor may a licensee sell or transfer his registered leg band to another person.
 - 19.7.2. Application for a traceable leg band must be made to the Commissioner.
 - 19.7.3. A leg band that is causing injury to a bird may be removed provided the Commissioner is notified in writing. Upon sale, trade, or other means of transfer, the bird must be accompanied with a traceable leg band approved by the Commissioner. If the bird is unable to wear a leg band, the band must be attached to a photograph of the bird to prove identification and be kept with the acquisition/disposition records.
 - 19.7.4. The Commissioner may require other species of birds to be banded. In such event, the Commissioner will notify any licensee affected.
- 19.8. Written permissions
 - 19.8.1. In boarding/training facilities and grooming facilities, pet animals of different ownership may be housed in the same enclosure, under constant and direct supervision, with the written consent of the owners.
 - 19.8.2. Housing boarded dogs in crates requires written consent of the owner.
 - 19.8.3. Products not labeled for use on pet animals may be used only with the written consent of the owner.
 - 19.8.4. Records for animals boarded, trained or transported by a pet handler must include a written agreement concerning veterinary care to treat diseased or injured animals and must address disposition of animals that die at the facility.

19.8.5. Battery-operated or electrical behavioral control devices, such as shock collars, shock prods, or electrical fences as well as pinch-collars and choke collars, may be used only with the written consent of the owner.

19.9. Written disclosure

19.9.1. Written disclosure of all treatments received while in the care of the pet animal facility involving immunizations, medications, and any other veterinary treatments, administered prior to transfer, must be provided at the time of transfer to the transferee for all pet animals excluding fish, feeders, and invertebrates. A record detailing the product used, the dosage, and the date(s) administered must be included. Proof of disclosure, signed by the recipient of the animal, must be kept with facility records.

19.9.2. For grooming, boarding/training and pet handler facilities, an incident file must be kept within each facility for animals sustaining injury or illness requiring veterinary care or death or for any escape. Each report must include date of incident, pet's name, breed/species, age, owner's name and contact information, description of incident, and course of action.

19.9.3. In the event of either death or escape at a boarding/training facility, pet handler, pet transporter or at a grooming facility, the licensee must notify PACFA in writing within 72 hours.

19.9.4. Treatment records must be kept on all pet animals (except fish and invertebrates) that receive any medications or immunizations used in the treatment or prevention of illness, or the treatment of injury, while in the care of the pet animal facility. These records must include the identification of the pet animal receiving medical treatment, signs of illness, reason for medical treatment, or veterinary diagnosis, the name of the medication or immunization used, the amount of medication used, and the time and date on which the medication or immunization was administered.

19.9.5. In connection with the adoption, sale or transfer, each pet animal facility shall provide, in good faith, the prospective purchaser/adopter, upon request at the time of sale or adoption, a written statement that contains the following information:

19.9.5.1. The date the animal was transferred; source or how acquired; name, and address of the breeder; animal breed or species; specific identifying characteristics if available; bird band number, USDA identifying tag, tattoo, microchip, or other identification approved by the Commissioner; if known, the date of birth of dogs, cats, hamsters, rabbits and guinea pigs; and any medical treatment or medication received prior to arrival at the pet animal facility, if known; and a statement that reads, "This facility is regulated by the Colorado Department of Agriculture's Pet Animal Care Facilities Act (PACFA) Program", the statement must include the PACFA webpage address, <https://ag.colorado.gov/ICS/PACFA> and/or a QR code and the PACFA Program main phone number.

19.9.5.2. The purchaser shall acknowledge in writing receipt of the information required in Part 19.9.5.1.

19.9.5.3. A record of the written disclosure and the receipt acknowledgement shall be retained by the facility.

19.9.6. Retail facilities (pet stores) that sell or offer for sale specific dogs or cats must:

19.9.6.1. Include on all advertisements, including website and social media posts, the purchase price of the dog or cat, and any applicable federal or state license numbers for the breeder of the dog or cat. If the dog or cat is not from a licensed breeder or kennel, the retail facility must state; "this dog/cat is from a breeder or kennel that is not required to be state or federally licensed"

19.9.6.2. Post on the front of the enclosure of each dog or cat, a card or other medium that is at least 3 inches by 5 inches in size that includes all the information required below at a minimum 11-point typed font. The card shall contain: the purchase price of the dog or cat and the following information on the dog or cat's breeder or kennel: full individual's name; kennel name, if applicable; city; state; and any applicable state or federal license numbers. If the dog or cat is not from a licensed breeder or kennel, the retail facility must state on the written material; "this dog/cat is from a breeder or kennel that is not required to be state or federally licensed". All disclosures required in this rule must be displayed in a clear and transparent manner.

19.9.6.3. Disclose to a prospective purchaser in writing, prior to the sale of a dog or cat, the following information about the dog or cat: the purchase price of the dog or cat; the interest rate or range associated with any financing or credit card offered to the prospective purchaser; and 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 that is publicly available.

19.10. Unless expressly exempted by the commissioner, an animal shelter or pet animal rescue shall not release a dog or cat to a prospective owner unless the animal has been sterilized by a licensed veterinarian. A facility with limited access to licensed veterinarians, or public shelters eligible for waiver of licensing fees, can apply to the commissioner for an exemption to this rule and the requirements of section 35-80-106.4, C.R.S.

19.11. Foster

19.11.1. Shelter and rescue facilities using foster homes or licensed pet animal facilities to foster their pet animals, must maintain a list containing the name of the foster care provider, phone number, and current street address for each place or premises at which pet animals are housed. Name, breed/species, physical description, age, gender, and foster home location must be recorded for each pet animal fostered. The Commissioner may, upon request, have access to any part of a foster home in which fostered pet animals are kept.

19.11.2. The licensee shall conduct an in-person inspection of each of its foster care providers at least once annually and before any animal is fostered at the location and maintain a record of those inspections at the physical facility address. The inspection record must include the date of inspection, the number and species of pet animals that permanently reside at each foster care provider, the signature of the foster care provider and the signature of the person inspecting the foster care facility. Licensees may submit a written request to the Commissioner for a temporary limited exemption from this requirement, if the licensee has no pending disciplinary matters. Any such submission must state why the exemption is necessary and must demonstrate provisions for the safety and well-being of any pet animals to be placed in foster care pursuant to this exemption.

19.11.3. The licensee shall obtain a written, signed foster agreement with each of its foster care providers before any animal is fostered at the location and maintain such record at the physical facility address. Such foster agreement shall include a statement

that the foster care provider understands and agrees to adhere to all relevant zoning and animal control codes and ordinances, whether local, county, or state.

- 19.11.4. The licensee must provide written disclosure of all diseases, injuries or abnormalities in the written, signed foster agreement.

25.9. Adopted April 13, 2022 – Effective June 15, 2022

Statutory Authority:

The Commissioner of Agriculture adopts these rules pursuant to §35-80-109(2), C.R.S.

Purpose:

The purpose of this rulemaking is to effect the changes from House Bill 21-1102, which implements disclosure requirements for retail pet animal dealerships (pet stores) that sell dogs and/or cats.

Factual Policy and Issues:

House Bill 21-1102 requires retail pet animal dealerships (pet stores) to disclose specific information to prospective purchasers of dogs and cats, on any advertisements or social media posts. Reviewers added that disclosures required on the enclosure would be required to be on at least media that is 3 inches by 5 inches and in at least 11-point font.

Additionally, House Bill 21-1102 requires retail pet animal dealerships (pet stores) to disclose to a prospective purchaser in writing, prior to the sale of a dog or cat, information about the purchase price and any financing offered; and any applicable federal or state license numbers and violations the breeder, broker, or transporter received in the previous two years on a federal or state inspection report that is publicly available.

Reviewers added additional requirements to the rule which require all facilities that adopt or sell pet animals to include a statement on the adoption or sales agreement that the facility is regulated by the Colorado Department of Agriculture's Pet Animal Care and Facilities Act (PACFA) Program.