COLORADO

Department of Regulatory Agencies

Colorado Office of Policy, Research & Regulatory Reform

# 2025 Sunset Review

## Pet Animal Care and Facilities Act

October 15, 2025

COLORADO
Department of
Regulatory Agencies
Executive Director's Office

October 15, 2025

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 General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient, and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the Pet Animal Care and Facilities Act. I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2026 legislative committee of reference.

The report discusses the question of whether there is a need for the regulation provided under Article 80 of Title 35, C.R.S. The report also discusses the effectiveness of the Commissioner of Agriculture in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit coprrr.colorado.gov.

Sincerely,

Patty Salazar

Patty Salazar
Executive Director

# Pet Animal Care and Facilities Act

## Background

***What is regulated?***
The Pet Animal Care and Facilities Act (PACFA) requires any facility used to keep pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading or otherwise transferring such animals to obtain a license from the Commissioner of Agriculture (Commissioner). Pet animals include dogs, cats, rabbits, guinea pigs, hamsters, mice, rats, gerbils, ferrets, birds, fish, reptiles, amphibians and invertebrates.

***Why is it regulated?***
The purpose of PACFA is to license facilities where pet animals are bred, housed and groomed to protect the public and the animals in the care of these facilities. Specifically, enforcement of PACFA can help protect animal welfare and stop or mitigate the spread of communicable diseases, including those that may be transmitted from animals to humans.

***Who is regulated?***
In calendar year 2023, the Commissioner licensed a total of 3,085 pet animal facilities.

***How is it regulated?***
The Commissioner has delegated enforcement to the PACFA section of the Animal Welfare Division in the Colorado Department of Agriculture (CDA). The agency inspects facilities before issuing a license, periodically after a license is issued and when a concern or complaint regarding a facility arises.

Also, the Pet Animal Advisory Committee, which includes members of the regulated community, animal enforcement, a veterinarian and public members, provides guidance to the agency regarding rulemaking and regulatory matters.

***What does it cost?***
In fiscal year 23-24, the Commissioner expended $1,246,126 and dedicated 10 full-time equivalent employees to the licensing program under PACFA.

***What enforcement activity is there?***
From 2020 to 2024, the Commissioner took 39 total enforcement actions: 6 license revocations, surrenders or voluntary relinquishments; 1 license suspension; 10 stipulated agreements; and 18 license denials. Also, the Commissioner sought 4 permanent injunctions or contempt of court orders.

## Key Recommendations

- **Continue PACFA for 15 years, until 2041.**
- **Amend the Advisory Committee membership by repealing committee seats reserved for specific license categories and, instead, require the Commissioner to appoint representatives from 10 separate license categories.**
- **Codify the Commissioner’s rule concerning veterinary certificates of health requirements for the importation of pet animals into the state.**

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# Background

## Sunset Criteria

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria[1] and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether the program under review is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To address the second sunset criterion--whether conditions that led to the initial creation of the program have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the fifth sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures and practices; whether the agency or the agency's board performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the fourteenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

[1] Criteria may be found at § 24-34-104, C.R.S.

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

**Table 1**
**Application of Sunset Criteria**

| Sunset Criteria | Where Applied |
|---|---|
| (I) Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare. | • Profile of Pet Animal Facilities<br>• Legal Framework<br>• Recommendations 1, 4 and 9 |
| (II) Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight. | • Legal Framework<br>• Recommendations 6 and 7 |
| (III) If the program is necessary, whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms. | • Legal Summary |
| (IV) If the program is necessary, whether agency rules enhance the public interest and are within the scope of legislative intent. | • Legal Summary |
| (V) 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. | • Program Description and Administration<br>• Recommendations 2, 3, 5, 6 and 7<br>• Administrative Recommendations 1 and 2 |
| (VI) Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively. | • Program Description and Administration |
| (VII) 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. | • Legal Summary<br>• Recommendation 2 |
| (VIII) Whether regulatory oversight can be achieved through a director model. | • Complaint Activity |
| (IX) The economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition. | • Profile of Pet Animal Facilities |

| Sunset Criteria | Where Applied |
| --- | --- |
| (X) If reviewing a regulatory program, 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 or regulated entity. | • Complaint Activity<br>• Enforcement Activity<br>• Recommendation 7 |
| (XI) If reviewing a regulatory program, whether the scope of practice of the regulated occupation contributes to the optimum use of personnel. | • Licensing |
| (XII) Whether entry requirements encourage equity, diversity, and inclusivity. | • Licensing |
| (XIII) If reviewing a regulatory program, whether the agency, through its licensing, certification, or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses, certifications, or registrations that the agency denied based on the applicant's criminal history, the number of conditional licenses, certifications, or registrations issued based upon the applicant's criminal history, and the number of licenses, certifications, or registrations revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification. | • Collateral Consequences |
| (XIV) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. | • Recommendations 1 to 9<br>• Administrative Recommendations 1 and 2 |

## Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR's website at coprrr.colorado.gov.

The Pet Animal Care and Facilities Act and the functions of the Commissioner of Agriculture (Commissioner), as enumerated in Article 80 of Title 35, Colorado Revised Statutes (C.R.S.), shall terminate on September 1, 2026, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of PACFA pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation should be continued and to evaluate the performance of the Commissioner. During this review, the Commissioner must demonstrate that the program serves the public interest. COPRRR's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

## Methodology

As part of this review, COPRRR staff interviewed agency staff, representatives of licensees, and officials with state and national professional associations; attended a Pet Animal Advisory Committee meeting; and reviewed Colorado statutes and rules and the laws of other states.

The major contacts made during this review include, but are not limited to:

- Animal Assistance Foundation;
- Animal Welfare Association of Colorado;
- Bailing Out Benji;
- Bailing Out Benji, Colorado Chapter;
- Cat Care Society;
- Colorado Citizens for Canine Welfare;
- Colorado Department of Agriculture;
- Colorado Division of Parks and Wildlife;
- Colorado Pet Overpopulation Authority, Board of Directors;
- Colorado Reptile Humane Society;
- Colorado Veterinarian Medical Association;
- Colorado Voters for Animals;
- Happy Tails Dog Ranch;
- Humane Colorado;
- National Canine Advocacy Group;
- NOCO Humane;
- No Kill Colorado;
- Pawsitive Pathways;
- Peak Legacy Ranch;
- People for the Ethical Treatment of Animals;
- Pet Animal Advisory Committee; and
- U.S. Association of Reptile Keepers.

# Profile of Pet Animal Care and Facilities

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), C.R.S. The first criterion asks whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.

To understand the need for regulation, it is first necessary to recognize what pet animal facilities are, who they serve and any necessary qualifications.

Dogs have been humans' best friends for so long that it is difficult to tease out how and when this first occurred. From genetic evidence, researchers theorize that dogs evolved from domesticated wolves around the end of the last ice age. Now extinct, these wolves may have raided scraps left behind by hunters and gatherers, and then gradually they began venturing into the camps. As wolves became friendly to humans, they were likely found to be useful for hunting excursions and guarding camps.[2]

Cats introduced themselves to humans much later when farming practices began in the Fertile Crescent. Wildcats were likely attracted to mice and other pests that were found in early farming settlements, which eventually led to their domestication.[3]

These early interdependent relationships may be the key to why dogs and cats remain such popular companions today. The American Veterinarian Medical Association estimates that dogs and cats are found in approximately 59.8 and 42.2 million U.S. homes, approximately 45 percent and 32 percent, respectively. Other pets found in U.S. homes include:[4]

- Fish in 3.9 million homes;
- Reptiles in 2.3 million homes;
- Birds in 2.1 million homes;
- Small mammals, such as hamsters and gerbils, in 1.3 million homes; and
- Rabbits in 0.9 million homes.

Colorado is widely known to be a pet friendly state. About 65 percent of households in the state have pets,[5] and 47 and 27 percent of Colorado households have dogs and cats, respectively.[6]

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[2] Rincon, Paul, "Dogs are humans oldest companions," *BBC News*, October 29, 2020. Retrieved September 12, 2025, from www.bbc.com/news/science-environment-54690458
[3] Rincon, Paul, "Dogs are humans oldest companions," *BBC News*, October 29, 2020. Retrieved September 12, 2025, from www.bbc.com/news/science-environment-54690458
[4] American Veterinarian Medical Association. *U.S. Pet Ownership Statistics*. Retrieved September 12, 2025, from www.avma.org/resources-tools/reports-statistics/us-pet-ownership-statistics
[5] World Population Review. *Pet Ownership Statistics by State: Overall Pet Ownership*. Retrieved October 3, 2025, from worldpopulationreview.com/state-rankings/pet-ownership-statistics-by-state
[6] World Population Review. *Pet Ownership Statistics by State: 2025 Pet Statistics*. Retrieved October 3, 2025, from worldpopulationreview.com/state-rankings/pet-ownership-statistics-by-state

Considering this, it is not surprising that Colorado was one of the first states to adopt a statewide program to protect pets and the humans who purchase or adopt them. In fact, Colorado has one of the most comprehensive pet animal facility regulations in the country.

Colorado regulates several types of pet animal facilities, such as:

- Boarding kennels,
- Breeders,
- Doggy daycare,
- Groomers,
- Rescues,
- Retail stores,
- Shelters, and
- Wholesale dealers.

Regulation of pet animal facilities is generally concerned with three things:

- Preventing and mitigating the spread of disease,
- Protecting animal welfare, and
- Protecting consumers.

Today, many states regulate pet animal facilities, but the types of facilities and regulations vary widely from state to state. With so much variation, it is difficult to determine an accurate number of states that license pet animal facilities. However, approximately:

- 30 states regulate pet breeders;[7]
- 35 states, and the District of Columbia, regulate retail pet stores;[8] and
- 20 states, and the District of Columbia, require a license to operate a retail pet store.[9]

Several of these states also regulate wholesale pet dealers.[10]

Local jurisdictions may also establish ordinances regarding pet animals. Local ordinances often address issues, such as:[11]

[7] Animal Legal and Historical Center, Michigan State University. *Table of State Commercial Pet Breeder Laws.* Retrieved October 3, 2025, from www.animallaw.info/topic/table-state-commercial-pet-breeders-laws
[8] Animal Legal and Historical Center, Michigan State University. *Brief Overview of Retail Pet Stores.* Retrieved October 3, 2025, from www.animallaw.info/article/brief-overview-retail-pet-stores
[9] Animal Legal and Historical Center, Michigan State University. *Brief Overview of Retail Pet Stores.* Retrieved October 3, 2025, from www.animallaw.info/article/brief-overview-retail-pet-stores
[10] Animal Legal and Historical Center, Michigan State University. *Table of State Commercial Pet Breeder Laws.* Retrieved October 3, 2025, from www.animallaw.info/topic/table-state-commercial-pet-breeders-laws
[11] Pet Animal Care Facilities Act. *PACFA Frequently Asked Questions.* Retrieved May 16, 2025, from ag.colorado.gov/ics/pet-animal-care-facilities-act-pacfa/pacfa-frequently-asked-questions-faq

- Stray animals,
- Animal noise and aggression, and
- Animal cruelty and neglect.

Local codes and ordinances may also limit the number of pet animals that may live in any one household.[12]

The ninth sunset criterion questions the economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.

In 2021, U.S. consumers spent $57.8 billion on pet-related expenses (i.e., pet food, pet services, pet veterinary services and pet purchases). Overall, this represents a 78 percent increase in spending from 2013 to 2021. Notably, the increase in pet purchases (i.e., pets, pet supplies and pet medicine) represented 74 percent, and between 2020 and 2021, the increase in pet purchases was 41 percent.[13] The sharp increase was likely due to the COVID-19 pandemic, during which many people bought or adopted pets to cope with loneliness related to staying home. Over the eight-year period, pet services (i.e., grooming, boarding and training) increased more slowly at the rate of 41 percent.[14]

[12] Pet Animal Care Facilities Act. *PACFA Frequently Asked Questions.* Retrieved May 16, 2025, from ag.colorado.gov/ics/pet-animal-care-facilities-act-pacfa/pacfa-frequently-asked-questions-faq

[13] Kristen Thiel (November 2023), "We love our pets, and our spending proves it," *Beyond the Numbers: Prices & Spending*, (U.S. Bureau of Labor Statistics) 12 (15). Retrieved October 3, 2025, from www.bls.gov/opub/btn/volume-12/we-love-our-pets-and-our-spending-proves-it-1.htm

[14] Kristen Thiel (November 2023), "We love our pets, and our spending proves it," *Beyond the Numbers: Prices & Spending*, (U.S. Bureau of Labor Statistics) 12 (15). Retrieved October 3, 2025, from www.bls.gov/opub/btn/volume-12/we-love-our-pets-and-our-spending-proves-it-1.htm

# Legal Framework

## History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first and second sunset criteria question:

> Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare; and
>
> Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less or the same degree of governmental oversight.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

Regulation of pet animal and psittacine bird dealerships was originally enacted in Colorado to protect humans from zoonotic diseases. The program was established in the Department of Health (now the Department of Public Health and Environment) after a Greeley woman died in 1957 from psittacosis, a rare bacterial infection that she contracted from her parakeet.

In 1983, the program was expanded to include animal pounds, shelters and boarding kennels. The Department of Health established rules for facilities that addressed standards for sanitation, humane care and operations. Under this program, enforcement actions were limited, and a 1993 sunset review recommended that the licensing and inspection functions of the Department of Health sunset until a better regulatory mechanism could be developed.

The following year, the Pet Animal Care and Facilities Act (PACFA) was adopted, and the Colorado Department of Agriculture was charged with oversight. As recommended by an industry task force, the law required a license for any person to sell, transfer, adopt, breed, board, train, groom, shelter or rescue pet animals, which included dogs, cats, birds, rabbits, ferrets, reptiles and fish.

In 2001, the Pet Overpopulation Authority was added to PACFA. The primary purpose of the Pet Overpopulation Authority was to emphasize the importance of spaying and neutering pets to control pet overpopulation and to act as fiduciary for the Pet Overpopulation Fund, which was funded through an income tax check-off.

Among other recommendations, a 2008 sunset review recommended that PACFA develop written policies and guidelines for inspections, enforcement and discipline.

As a result of the 2013 sunset review, the General Assembly granted PACFA the authority to deny or revoke a license if any principal, major shareholder, member, officer, director or anyone else in a position to control a licensee or applicant was convicted of animal cruelty.

In 2019, the General Assembly adopted several recommendations from the 2018 sunset report:[15]

- Incorporating a plea of guilty or *nolo contendere* with the authority to deny, revoke or otherwise discipline a license based on a criminal conviction of animal cruelty;
- Including in the grounds for discipline being convicted of, pleading guilty or *nolo contendere* to theft, importation, capture, neglect or abuse of an animal; and
- Directing all civil fines to the General Fund.

Later, the General Assembly mandated, in 2021, that animal shelters and rescues:[16]

- Provide veterinary care to dogs and cats in their care to address and prevent unnecessary or unjustifiable pain and suffering, and
- Address the behavioral needs of dogs and cats in their care to prevent conditions that cause stereotypic or self-mutilating behavior.

In 2022, greyhounds were reclassified as companion pets, and the exemption for greyhound breeders was repealed from PACFA.[17]

The General Assembly created the Division of Animal Welfare (Division) in 2024, and it moved the program, along with the Bureau of Animal Protection, to the newly created Division.[18]

Legislation adopted in 2024 also required a pet animal facility to notify consumers within 24 hours of an infectious disease outbreak at the facility if an animal was in the facility's possession during the incubation and outbreak period.[19]

In 2025, the General Assembly established a grant program, funded through the Colorado Pet Overpopulation Fund, for organizations that trap, sterilize and return feral cats that live in and are cared for by a community. The bill also changed the composition of the Board of Directors, and it required the Pet Overpopulation Authority to publish on its website each board member's name and a list of grantees with the amounts awarded to each grantee. The bill also required at least 70 percent of grants

[15] Senate Bill 19-158
[16] House Bill 21-1160
[17] Senate Bill 21-167
[18] House Bill 24-1458
[19] House Bill 24-1354

funded through the Pet Overpopulation Fund to be awarded to counties with a population of 200,000 residents or less.[20]

## Legal Summary

The third, fourth, fifth and seventh sunset criteria question:

> Whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms;
>
> Whether agency rules enhance the public interest and are within the scope of legislative intent;
>
> 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; and
>
> 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.

A summary of the current statutes and rules is necessary to understand whether regulation is set at the appropriate level and whether the current laws are impeding or enhancing the agency's ability to operate in the public interest.

### Federal Laws

Animal protection laws, for the most part, are adopted and enforced at the state level. However, two federal laws establish some protection for pet animals: the Animal Welfare Act (AWA) and the Pet Animal Cruelty and Torture (PACT) Act.

#### The Animal Welfare Act

The AWA[21] was initially adopted in 1966 to prevent pets from being stolen and sold for research and to regulate the treatment of dogs, cats and other animals in laboratory research settings. In the intervening years, the AWA has been expanded to cover additional activities and animals and to prohibit certain activities, such as animal fighting.[22]

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[20] House Bill 25-1137
[21] 7 U.S.C. §§ 2131 *et seq.*
[22] *The Animal Welfare Act: Background and Selected Issues,* Congressional Research Service (2023), Summary. Retrieved June 4, 2025, from www.congress.gov/crs-product/R47179

Today, the federal law protects warm-blooded animals, including those used for research, exhibition and companionship. However, some exemptions apply, such as horses that are not used for research and farm animals used to produce food or fiber. Also, the AWA does not cover birds, rats or mice that are bred specifically for research purposes.[23]

The Animal and Plants Health Inspection Service (APHIS) in the U.S. Department of Agriculture is authorized to adopt regulations and enforce the AWA.[24]

The following entities are subject to the AWA and must be licensed or registered with APHIS:[25]

- Animal dealers,
- Animal exhibitors,
- Animal transporters, and
- Facilities that use animals in research.

APHIS inspects licensed and registered entities, investigates possible violations and takes enforcement action when violations occur.[26]

Several exemptions apply to the licensure requirements. The following animal dealers are not required to be licensed by APHIS:[27]

- Retail pet stores,
- Hobby breeders,
- Animal shelters, and
- Boarding kennels.

The following animal exhibitors are not required to be licensed by APHIS:[28]

- Agricultural shows,
- Fairs,
- Horse shows,
- Rodeos,
- Pet shows,

[23] *The Animal Welfare Act: Background and Selected Issues,* Congressional Research Service (2023), Summary. Retrieved June 4, 2025, from www.congress.gov/crs-product/R47179
[24] *The Animal Welfare Act: Background and Selected Issues,* Congressional Research Service (2023), Summary. Retrieved June 4, 2025, from www.congress.gov/crs-product/R47179
[25] *The Animal Welfare Act: Background and Selected Issues,* Congressional Research Service (2023), Summary. Retrieved June 4, 2025, from www.congress.gov/crs-product/R47179
[26] *The Animal Welfare Act: Background and Selected Issues,* Congressional Research Service (2023), Summary. Retrieved June 4, 2025, from www.congress.gov/crs-product/R47179
[27] *The Animal Welfare Act: Background and Selected Issues,* Congressional Research Service (2023), p. 4. Retrieved June 4, 2025, from www.congress.gov/crs-product/R47179
[28] *The Animal Welfare Act: Background and Selected Issues,* Congressional Research Service (2023), p. 4. Retrieved June 4, 2025, from www.congress.gov/crs-product/R47179

- Game preserves,
- Hunting events, and
- Private collectors who do not exhibit.

#### THE PET ANIMAL CRUELTY AND TORTURE ACT

The PACT Act, adopted in 2019, was enacted by Congress to protect animals against acts of extreme cruelty in previously unprotected settings. Prior to enactment, all 50 states had laws against animal cruelty and federal law prohibited animal fighting and the distribution of videos showing acts of extreme animal cruelty, but in some settings, no legal protections against animal mistreatment and torture existed.[29]

Under the PACT Act, it is a federal crime to engage in acts of extreme physical abuse causing bodily injury or death in or affecting interstate or international commerce and on federal property. The PACT Act applies to mammals, birds, reptiles and amphibians.[30]

Notably, the PACT Act does not preempt state law, and it does not apply to situations of animal cruelty that take place within the jurisdiction of a single state.[31]

A violation of the PACT Act is a federal crime and could result in penalties of up to $250,000 and up to seven years of imprisonment.[32]

### State Laws

#### COLORADO PET ANIMAL CARE AND FACILITIES ACT

The Commissioner of Agriculture (Commissioner) is vested with the authority to administer and enforce Article 80 of Title 35, C.R.S., or PACFA, and is granted rulemaking authority.[33]

A license issued by the Commissioner is required to operate a pet animal facility, which includes any facility used for adopting, breeding, boarding, grooming, handling, selling, sheltering, trading or transferring pet animals.[34] While each location of a pet animal facility must be separately licensed, two or more pet animal facilities that have the same or similar purpose and operate from one place are considered a single pet animal facility.[35]

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[29] Eisner Gorin, LLP. *Animal Cruelty: Now a Federal Crime Under the PACT Act*. Retrieved June 4, 2025, from www.egattorneys.com/federal-animal-cruelty
[30] Eisner Gorin, LLP. *Animal Cruelty: Now a Federal Crime Under the PACT Act*. Retrieved June 4, 2025, from www.egattorneys.com/federal-animal-cruelty
[31] Eisner Gorin, LLP. *Animal Cruelty: Now a Federal Crime Under the PACT Act*. Retrieved June 4, 2025, from www.egattorneys.com/federal-animal-cruelty
[32] Eisner Gorin, LLP. *Animal Cruelty: Now a Federal Crime Under the PACT Act*. Retrieved June 4, 2025, from www.egattorneys.com/federal-animal-cruelty
[33] § 35-80-109, C.R.S.
[34] § 35-80-102(11), C.R.S.
[35] § 35-80-102(11), C.R.S.

A common carrier that is engaged in intrastate or interstate commerce is excluded from the definition of pet animal facility.[36]

Under PACFA, pet animals are defined as:[37]

> Dogs, cats, rabbits, guinea pigs, hamsters, mice, rats, gerbils, 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.

However, pet animals do not include livestock or working animals used on farms and ranches.[38] Livestock is defined as any animal raised to produce food or fiber and, regardless of use, cattle, horses, mules, burros, sheep, llamas and goats.[39]

### Licensing

The Commissioner's rules establish several different pet animal license types under PACFA:[40]

- Retail and wholesale pet animal dealer,
- Temporary retail event,
- Dog breeder,
- Bird breeder,
- Cat breeder,
- Pet grooming,
- Pet animal boarding or training,
- Animal rescue,
- Animal shelter,
- Reptile and amphibian (herptile) breeder,
- Pet animal handler,
- Pet animal transporter, and
- Small animal breeder.

PACFA does not apply to:[41]

- Anyone who boards three or fewer pet animals at a time;
- Hobby breeders;
- Pet animal care technology platforms;
- Training facilities where pet owners remain during training;

[36] § 35-80-102(11), C.R.S.
[37] § 35-80-102(10), C.R.S.
[38] § 35-80-102(10), C.R.S.
[39] § 35-80-102(9), C.R.S.
[40] 8 CCR § 1202-15-3.1, Pet Animal Care and Facilities Act Rules.
[41] § 35-80-103(2), C.R.S.

- Research facilities, circuses and zoos;
- Veterinary hospitals;
- Wildlife regulated by the Department of Natural Resources; or
- Wildlife sanctuaries.

PACFA also does not apply to activities related to an event of the American Kennel Club, United Kennel Club or another similar nationally recognized organization.[42]

Additionally, a facility licensed by the U.S. Department of Agriculture is not subject to routine inspections by the Commissioner. However, such a facility is subject to all other provisions of PACFA, such as licensing and complaint investigations.[43]

As required by statute, the Commissioner has promulgated rules pertaining to:[44]

- Minimum standards, such as facility sanitation, facility ventilation, humane care and sterilization and holding periods for and disposition of stray or abandoned pets;
- Weight requirements for cats that are being transferred;
- Requirements for health care, euthanasia and transaction records;
- Consumer recommendations, warnings and disclosure requirements;
- Applicant qualifications, standards of practice and license categories;
- License issuance;
- Grounds for discipline; and
- License fees based on the actual cost of administering and enforcing PACFA and the Commissioner's rules.

PACFA also contains provisions specific to certain types of facilities and certain types of pet animals.

In general, a shelter must hold an animal in its custody for at least five days, before the animal may be offered for adoption or euthanized, in case the owner of the animal retrieves the animal. However, a shelter may euthanize an animal after only three days if the animal has no identification and the shelter either lacks the resources to house the animal or the animal is dangerous.[45]

With a few exceptions, shelters and rescues are prohibited from releasing dogs or cats to prospective owners unless the animal has been sterilized.[46]

[42] § 35-80-103(2)(i), C.R.S.
[43] § 35-80-103(1), C.R.S.
[44] § 35-80-109(2), C.R.S.,
[45] § 35-80-106.3(1), C.R.S.
[46] §§ 35-80-106.4(1) and 35-80-106.4(3), C.R.S.

## Discipline

The Commissioner has the authority to issue letters of admonition, deny, suspend, refuse to renew, restrict or revoke a license.[47] The grounds for discipline include:[48]

- Violating PACFA or the Commissioner's rules;
- Being convicted of theft, importation, capture, neglect, abuse of an animal or animal cruelty;
- Having an equivalent license denied, revoked or suspended;
- Refusing to provide the Commissioner with reasonable, complete and accurate information regarding the care of animals when requested; and
- Falsifying any information requested by the Commissioner.

The Commissioner is required to deny, refuse to renew or revoke a license if the applicant; licensee; a principal, officer, director, manager or another person with authority over the licensee or its operations has a conviction of:[49]

- Animal fighting,
- Aggravated cruelty to animals,
- Cruelty to animals with a previous conviction of such an offense, or
- Cruelty to animals in which an animal was knowingly or intentionally tortured or tormented which resulted in a needless injury, mutilation or death.[50]

## Inspections

All facilities may be inspected upon application for licensure, a change to the physical facility or license category and, once licensed, routinely.[51]

The Commissioner may, either upon the Commissioner's own motion or upon the complaint of any person, conduct investigations to ensure compliance with PACFA.[52] At any reasonable time during regular business hours, the Commissioner has free and unimpeded access, upon consent or upon obtaining an administrative search warrant, to all areas where pet animals are kept, handled or transported and to all required records.[53]

[47] § 35-80-112(1), C.R.S.
[48] § 35-80-112(1), C.R.S.
[49] § 35-80-112.5(2), C.R.S.
[50] § 35-80-112.5(2), C.R.S.
[51] 8 CCR § 1202-15-10.1, Pet Animal Care and Facilities Act Rules.
[52] § 35-80-110(1), C.R.S.
[53] § 35-80-110(3), C.R.S.

## UNLAWFUL ACTIVITIES

Any person or entity who engages in the following unlawful activities commits a violation of PACFA:[54]

- Engaging in activity that requires a license without having a valid license;
- Refusing to comply with an order to cease and desist;
- Refusing or failing to comply with the provisions of PACFA or the Commissioner's rules;
- Aiding or abetting a violation of PACFA or the Commissioner's rules;
- Making a material misstatement when applying for a license or during an investigation;
- Impersonating a government official or an inspector;
- Altering or falsifying a certificate of veterinary inspection or a certificate of veterinary health;
- Importing or possessing for the purpose of selling, trading, giving or transferring any psittacine birds that have not been legally banded with a leg band;[55]
- Selling, transferring or adopting dogs or cats under the age of eight weeks;
- Selling, transferring or adopting guinea pigs, hamsters or rabbits under the age of four weeks; or
- Selling, bartering, exchanging, transferring, possessing or importing a primate or a turtle with a carapace length of less than four inches.

A licensee who engages in the following unlawful activities commits a violation of PACFA:[56]

- Refusing to allow a facility to be inspected;
- Selling, offering to sell, bartering, exchanging or transferring immature domestic fowl in lots of less than 25 as pets;
- Selling, offering to sell, bartering, exchanging or transferring wildlife species, such as racoons, that the Colorado Division of Parks and Wildlife prohibits to be held as pets;
- Importing an animal for the purpose of sale, resale, trade or barter without a license;
- Allowing a license to be used by an unlicensed person;
- Making any misrepresentation or false promise about the operations of a facility; or
- Failing to take reasonable care to release only pet animals that are free of undisclosed disease, injury or abnormality.

The Commissioner may issue a cease and desist order when they have reasonable cause to believe that a violation of PACFA has occurred and immediate enforcement is

[54] § 35-80-108(1), C.R.S.
[55] 8 CCR § 1202-15-19.7, Pet Animal Care and Facilities Act Rules.
[56] § 35-80-108(2), C.R.S.

necessary. If anyone fails to comply with the cease and desist order within 24 hours, the Commissioner may file a temporary restraining order and seek an injunction.[57]

A violation of PACFA may result in a civil penalty not to exceed $1,000 per violation, following notice and an opportunity for a hearing.[58]

All civil penalties collected under PACFA are credited to the General Fund.[59]

### Advisory Committee

PACFA establishes the Pet Animal Advisory Committee (Advisory Committee) to advise the Commissioner on rules and provide ongoing review of the statutes. The Advisory Committee consists of 17 members, who are appointed by the Commissioner, including one seat set aside for a licensed veterinarian, three seats to represent the general public and one seat to represent each of the following:[60]

- Animal rescues,
- Bird breeders,
- Small scale dog breeders,
- Large scale dog breeders,
- Cat breeders,
- Small animal breeders,
- Boarding kennels,
- Dog day care,
- Pet groomers,
- Pet animal retailers,
- Pet animal wholesalers,
- Animal control officers, and
- Animal shelters.

### Pet overpopulation Authority and Fund

Under PACFA, the Colorado Pet Overpopulation Authority (Pet Overpopulation Authority) is created as a political subdivision of the State.[61]

A Board of Directors for the Pet Overpopulation Authority is appointed by the Commissioner and consists of one representative from each of the following organizations:[62]

[57] § 35-80-111(2), C.R.S.
[58] §§ 35-80-113(1) and (2), C.R.S.
[59] § 35-80-116(2), C.R.S.
[60] § 35-80-115(1), C.R.S.
[61] § 35-80-116.5(1), C.R.S.
[62] § 35-80-116.5(2), C.R.S.

- The Animal Assistance Foundation,
- An animal control agency,
- An animal shelter,
- The Colorado Veterinary Medical Association,
- The Colorado Department of Agriculture,
- The general public with an interest in animal welfare, and
- A pet animal rescue.

Additionally, the Board of Directors must also include a representative of a licensed pet animal facility located in a county with a population of 50,000 or less and a representative of an animal shelter, an animal rescue or a licensed veterinarian from each of the following areas:

- Western Colorado,
- Eastern Colorado, and
- Southern Colorado.

The Board of Directors is granted the authority to:[63]

- Adopt an education program concerning pet overpopulation;
- Fund and expend funds to accomplish its duties and activities;
- Accept gifts, grants and donations; and
- Cooperate with veterinarians, animal shelters and communities to address sheltering animals and control pet overpopulation.

In addition to gifts, grants and donations, the Pet Overpopulation Fund has two funding streams: voluntary contributions through Colorado income tax forms[64] and special license plates.[65] However, it may not be funded by any state agency.[66]

The Pet Overpopulation Authority must prioritize granting funds to those areas of the state that lack sufficient veterinary resources to meet local needs.[67]

The Adopt-a-Shelter Pet fund must be used to support the following:[68]

- Spaying, neutering and other veterinary requirements of shelters and rescues;
- Pet overpopulation education programs; and
- Trap-neuter-return programs.

[63] § 35-80-116.5(4), C.R.S.
[64] §§ 35-80-116.5(5)(a) and 39-22-2201, C.R.S.
[65] § 35-80-116.5(5)(d), C.R.S.
[66] § 35-80-116.5(6), C.R.S.
[67] § 35-80-116.5(5)(c) and (e), C.R.S.
[68] § 35-80-116.5(5)(e)(I), C.R.S.

When awarding grants from the Adopt-a-Shelter Pet fund, the Authority is prohibited from favoring any specific model of animal shelter.[69]

### THE ANIMAL PROTECTION ACT

The State Bureau of Animal Protection (BAP), which, like the PACFA program, is housed in the Division of Animal Welfare, administers and enforces the Animal Protection Act, located in Article 42 of Title 35, C.R.S.[70] The BAP enforces state laws regarding neglect, mistreatment and abandonment of pet animals and livestock.[71] The BAP also conducts outreach and engagement, and it works with local animal protection and law enforcement officials to investigate cases of mistreatment, neglect and abandonment of pet and domestic animals.[72] Anyone may file a complaint with the BAP,[73] which may employ both civil and criminal remedies to enforce animal protection laws.[74]

The Animal Protection Act is not part of this sunset review, but it is mentioned here to provide context.

[69] § 35-80-116.5(5)(e)(II), C.R.S.
[70] §§ 35-42-105 and 106, C.R.S.
[71] § 35-42-109(8), C.R.S.
[72] Colorado Department of Agriculture. *About the Bureau of Animal Protection*. Retrieved October 4, 2025, from ag.colorado.gov/animal-welfare/bureau-of-animal-protection/about-the-bureau-of-animal-protection
[73] § 35-42-111(1), C.R.S.
[74] §§ 35-42-109(6)(a) and (8), C.R.S.

# Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The fifth and sixth sunset criteria question:

> 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; and
>
> Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

The Commissioner of Agriculture (Commissioner) in the Department of Agriculture (Department) administers and enforces the Pet Animal Care and Facilities Act (PACFA). The Commissioner has granted enforcement authority to the PACFA section in the Department's Division of Animal Welfare (Division).

Table 2 illustrates the total program expenditures and the number of full-time equivalent (FTE) employees dedicated to the program over a five-year period.

**Table 2**
**Program Expenditures and Staffing**

| Fiscal Year | Total Program Expenditures | FTE |
|---|---|---|
| 19-20 | $900,018 | 8.51 |
| 20-21 | $1,006,144 | 10 |
| 21-22 | $1,031,545 | 10 |
| 22-23 | $1,246,222 | 10 |
| 23-24 | $1,246,126 | 10 |

Total program expenditures increased 38 percent over the five-year period. Following the last sunset review, the program hired additional FTE, which led, in part, to the 12 percent increase in fiscal year 20-21. The program expenditures also increased 21 percent in 22-23.

The program is partially cash-funded by license fees. The General Fund provides funding for two of the program's FTE.

In fiscal year 24-25, 10 FTE were dedicated to the program. The composition of the program staff included the following positions:

- **Program Section Chief** (Program Management II, 1.0 FTE), who is responsible for administering the daily program operations and budget, taking disciplinary action, monitoring legislation and updating regulations and interacting with other state agencies, federal agencies and similar agencies in other states;
- **PACFA Lead Inspector** (Compliance Specialist IV, 1.0 FTE), who is responsible for training inspectors, interpreting rules and regulations, conducting inspections and complaint investigations on licensed facilities in a designated territory, preparing reports and recommending disciplinary actions when appropriate;
- **PACFA Inspectors** (Compliance Specialist III, 5.0 FTE), who are responsible for interpreting rules and regulations, conducting facility inspections and complaint investigations on licensed facilities in a designated territory, preparing reports and recommending disciplinary actions when appropriate;
- **PACFA Inspector/Investigator** (Compliance Specialist III, 1.0 FTE), who is responsible for interpreting rules and regulations, conducting facility inspections and complaint investigations on licensed facilities in a designated territory, conducting complaint investigations into unlicensed operators and facilities over one third of the state, preparing reports and issuing cease and desist orders and criminal summons when appropriate;
- **PACFA Investigator** (Compliance Specialist III, 1.0 FTE), who is responsible for conducting complaint investigations of unlicensed operators and facilities, over two thirds of the state, preparing reports and issuing cease and desist orders and criminal summons, when appropriate; and
- **PACFA Licensing and Education Administrator** (Administrator III, 1.0 FTE), who is responsible for providing administrative support by processing new and renewal applications, fulfilling Colorado Open Records Act requests, processing public complaints, maintaining records, answering telephones, responding to emails, administering the learning management system and creating online content for qualifying and continuing education as required by the PACFA rules.

Following initial licensure, licenses must be renewed each year by March 1.

Table 3 provides the license fees assessed for each license category in fiscal year 23-24. The fee to renew a PACFA license is the same as the fee for initial licensure.

**Table 3**
**License Fees**

| License Category | License Fee |
|---|---|
| Aquarium Only | $450 |
| Bird Band | $17.50 |
| Cat Breeder | $400 |
| Commercial Pet Animal Facility | $450 |
| Bird Breeder | $275 |
| Dog Breeder Large Scale Operation | $550 |
| Dog Breeder Small Scale Operation | $450 |
| Pet Animal Rescue Small < 100 Transfers | $325 |
| Pet Animal Rescue Large > 100 Transfers | $425 |
| Pet Animal Shelter Small < 3000 Transfers | $450 |
| Pet Animal Shelter Large > 3000 Transfers | $600 |
| Pet Boarding and Training | $500 |
| Pet Grooming Facility | $400 |
| Independent Contractor Pet Groomer | $350 |
| Pet Handler | $225 |
| Pet Retail and Wholesale | $600 |
| Pet Transporter | $350 |
| Reptile and Amphibian (Herptile) Breeder | $275 |
| Small Animal Breeder | $425 |
| Additional License Category Fee* | $50 |

*If an applicant applies for a license in multiple categories, the applicant must pay the license fee in the category with the highest fee and $50 for any additional license category.

License fees are established by the Commissioner by rule but are capped at $700 per license.

In addition to the renewal fee, shelters, rescues, transporters and breeders must also submit an annual report. The report is a general accounting of the number of animals transferred by the licensee. For shelters and rescues, a transfer is counted when an animal is admitted or rescued and again when the animal is adopted. For breeders, a transfer is counted when an animal is sold.

## Education

Individuals serving as the primary business contacts for all new applicants are required to complete a qualifying education (QE) course as a condition of licensure. Primary business contacts for facilities licensed prior to October 30, 2021, were required to take the QE course no later than December 31, 2024. Following this, all primary business contacts for licensees are required to complete the course as a continuing education (CE) course.

The QE and CE course, developed by the Division, is free and offered online by the Division. At this time, the QE and CE course is one and the same. The course is made up of four 45-minute modules. The goal of the course is to increase compliance with pet animal facility standards, which are adopted by the Commissioner to protect pet animals and consumers of pet animal facilities. The curriculum covers PACFA standards of pet animal care, facility cleanliness, recordkeeping and transportation. Employees and volunteers of licensed facilities are also encouraged to take these courses.

The Division is developing additional CE course content, such as a course in canine brucellosis. It is also considering courses that are specific to different license categories.

Table 4 illustrates, over a four-year period, the total number of applicants and licensees that enrolled in the QE and CE course and the number of those that completed it.

**Table 4**
**Qualifying and Continuing Education**
**Enrollment and Completion**

| Calendar Year | Enrolled in QE Course | Completed QE Course | Enrolled in CE Course | Completed CE Course |
|---|---|---|---|---|
| 2021 | 44 | 39 | 3 | 3 |
| 2022 | 320 | 271 | 545 | 290 |
| 2023 | 102 | 92 | 13 | 4 |
| 2024 | 458 | 497 | 618 | 600 |

The QE and CE course was first offered in 2021. The CE course is only required every two years, which is why the total number of those who enrolled and completed the course fell in 2023. The numbers of those who enrolled and completed the course do not necessarily match up each year because some individuals may not have completed the course during the calendar year that they enrolled.

The QE and CE course was initiated because applicants for initial licenses were attesting that they were familiar with the rules. However, when inspections were conducted, it became apparent that many of the primary business contacts for applicants were not, in fact, conversant with the rules.

The agency has reported a decline in the number of repeat pre-license inspections required since the courses were introduced.

## Licensing

The eleventh and twelfth sunset criteria question whether the scope of practice of the regulated occupation contributes to the optimum use of personnel and whether entry requirements encourage equity, diversity and inclusivity.

In part, COPRRR utilizes this section of the report to evaluate the program according to these criteria.

A pet animal facility must obtain a license from the Commissioner in order to operate in Colorado. Prior to applying for a license, an applicant is encouraged to submit the building plans for the proposed facility to the agency. This is to help confirm that the facility will satisfy the requirements of PACFA and prevent the need for modifications. To obtain a license, an applicant must submit a completed application and the license fee and pass a pre-license inspection.

Table 5 demonstrates the number of licenses issued by license type, over a five-year period.

**Table 5**
**Licenses by Type and Calendar Year**

| License Type | 2019 | 2020 | 2021 | 2022 | 2023 |
|---|---|---|---|---|---|
| Aquarium Only | 66 | 23 | 31 | 36 | 41 |
| Bird Band | 23 | 23 | 25 | 25 | 42 |
| Cat Breeder | 12 | 8 | 14 | 15 | 16 |
| Commercial Pet Animal Facility | NA* | 9 | 18 | 18 | 23 |
| Bird Breeder | 13 | 14 | 17 | 15 | 16 |
| Dog Breeder, Large Scale | 26 | 24 | 28 | 32 | 32 |
| Dog Breeder, Small Scale | 162 | 147 | 183 | 178 | 172 |
| Pet Animal Rescue, Small | 183 | 92 | 127 | 120 | 115 |
| Pet Animal Rescue, Large | NA* | 70 | 91 | 89 | 90 |
| Pet Animal Shelter, Small | 137 | 132 | 160 | 169 | 176 |
| Pet Animal Shelter, Large | 12 | 15 | 20 | 20 | 20 |
| Pet Boarding/Training | 599 | 562 | 632 | 637 | 626 |
| Pet Grooming Facility[75] | 1,016 | 933 | 1,091 | 1,151 | 1,192 |
| Pet Groomer, Independent Contractor[76] | 137 | 100 | 85 | 102 | 87 |
| Pet Handler[77] | 67 | 69 | 87 | 95 | 101 |
| Pet Retail/Wholesale | 174 | 167 | 160 | 169 | 171 |
| Pet Transporter | 80 | 85 | 123 | 126 | 111 |
| Reptile/Amphibian (Herptile) Breeder | 6 | 9 | 14 | 9 | 18 |
| Small Animal Breeder | 30 | 25 | 37 | 36 | 36 |
| **Total** | **2,743** | **2,507** | **2,943** | **3,042** | **3,085** |

*Not applicable. New license type created in 2020.

From 2019 to 2023, the total number of licenses issued by the agency increased 12 percent. In 2020, several categories experienced a decline, which is primarily attributed to the COVID-19 pandemic. Overall, the total number of licensed pet animal facilities declined by nine percent during this period.

Pet animal facilities that were licensed as aquariums experienced the sharpest decline at 65 percent. A large part of this loss was due to Walmart, which held 33 aquarium licenses and stopped selling fish during this period. While this license type increased incrementally over the following three years, the total number of licenses in this category decreased by 38 percent over the five-year period.

In 2020, the number of cat breeders declined by 33 percent; however, over the five-year period, the total number of licenses in this category increased by 33 percent. In 2020, the total number of large and small dog breeders experienced a decline of 8 and

9 percent, respectively; however, over the five-year period, they increased 23 and 6 percent.

The decline of pet animal rescues in 2020 was due to the creation of two new license types for large animal rescues and commercial pet animal facilities, which resulted in the licensing category for pet animal rescues being divided into three categories: small, large and commercial.

The number of bird breeder licenses increased by 23 percent during this period.

Small and large animal shelters increased by 28 and 67 percent, respectively, over the five-year period. Some of the small shelters were created when licensed rescues converted their licenses because they were unable to find sufficient foster homes and needed to house the animals in a facility setting instead. Some of the growth in large shelters is attributed to small shelters that expanded their facilities.

Over the five-year period, the number of reptile and amphibian breeder licenses tripled.

While pet grooming facilities increased by 17 percent over the five-year period, the number of pet groomers who are independent contractors fluctuated over the five-year period and ultimately decreased by 36 percent. Some of the decrease in this license type may be due to the agency clarifying that an independent contractor may not be supervised by a pet grooming facility. Licensed pet handlers and transporters increased 51 and 39 percent, respectively.

After a drop in 2020, the total number of licensed pet retailers and wholesalers remained relatively unchanged over the five-year period.

## Inspections

The PACFA licensing program is largely driven by inspections. During an inspection, the agency inspects the grounds and the records of a licensed facility. The specific items that are inspected vary by the type of facility, but they generally include safety, sanitation and records concerning animal history, treatment and incidents.

While pre-license and complaint-based inspections take priority, the program attempts to inspect each facility annually. During a complaint-based inspection, the agency investigates the allegations that prompted the complaint and may simultaneously conduct a routine facility inspection.

The agency has four categories of violations:

- Indirect or minor violations;
- Repeat indirect or minor violations;

- Direct violations that affect the health, safety and welfare of animals; and
- Repeat direct violations.

A facility with several indirect or minor violations is considered noncompliant. A facility may fail an inspection if it has several direct violations or if it has a single serious direct violation. An example of a serious direct violation is one that results in the death of an animal.

Following an inspection, an inspector drafts a written report. If any violations are found, the report details the violations and requires corrective action. Within 20 days, the facility must submit a plan that describes how the violations will be corrected. The inspector will then schedule a follow-up inspection to verify that the violations have been corrected.

Table 6 shows, over a five-year period, the total number of inspections conducted each calendar year.

**Table 6**
**Inspections**

| Type of Inspection | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| Routine | 957 | 1018 | 868 | 1,196 | 1,260 |
| Pre-License | 432 | 449 | 413 | 473 | 660 |
| Follow-Up | 494 | 402 | 516 | 428 | 337 |
| Complaint-Based | 429 | 398 | 430 | 321 | 139 |
| Attempted | 319 | 388 | 361 | 135 | 0 |
| Unclassified | 22 | 19 | 17 | 13 | 2 |
| **Total** | **2,653** | **2,674** | **2,605** | **2,566** | **2,398** |

The total number of inspections remained relatively stable over the five-year period. The decline in the total number of inspections in 2024 was due to staffing levels. In 2022, the decline in routine inspections was due to a higher number of follow-up and complaint inspections that were required.

The goal of the agency is to complete at least one routine inspection of each licensed facility each year. If a facility is not inspected in any one year, an inspection is prioritized the following year.

Table 7 demonstrates, over a five-year period, the results of the inspections conducted by calendar year.[75]

[75] When comparing the total number of routine inspections and the total number of PACFA licenses, it should be noted that many facilities hold several different license types. For example, one pet animal facility may be licensed in three different categories, such as pet animal retail, boarding and grooming.

**Table 7**
**Inspection Results by Calendar Year**

| Type of Inspection | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| Compliant | 976 | 1,002 | 812 | 953 | 814 |
| Noncompliant | 498 | 477 | 550 | 687 | 790 |
| Corrected Violations | 342 | 328 | 378 | 362 | 399 |
| Incomplete Attempt | 636 | 669 | 684 | 408 | 189 |
| Failed, Repeat violations | 24 | 15 | 16 | 7 | 25 |
| Failed, Failure to meet requirements | 26 | 27 | 24 | 35 | 92 |
| Failed, Requirements not met for licensure | 40 | 46 | 28 | 12 | 19 |
| Failed, Inspector access denied | 0 | 1 | 0 | 2 | 4 |
| Failed, Direct violations affecting animal welfare | 40 | 37 | 50 | 38 | 56 |
| Follow-Up Pending | 71 | 72 | 63 | 62 | 10 |
| **Total** | **2,653** | **2,674** | **2,605** | **2,566** | **2,398** |

About 35 percent of all inspections were found to be compliant with PACFA standards, and 25 percent were noncompliant. Twenty percent of inspections were not completed for a variety of reasons. While pre-license inspections are scheduled, routine, complaint and follow-up inspections are not usually scheduled. At times, inspectors may arrive at a facility and find that no one is available to meet with the inspector. The rate of incomplete attempts declined in 2023 and 2024.

Over the five-year period, about six percent of inspections resulted in a failed inspection report. Only two percent of inspections resulted in a failed inspection report due to direct violations that affected the welfare of animals.

It is rare for a facility to deny access to an inspector. Over the five-year period, this occurred only seven times. When an inspector is denied access, they may seek an administrative search warrant to carry out the inspection.

## Complaint Activity

The eighth and tenth sunset criteria require COPRRR to examine whether regulatory oversight can be achieved through a director model, and 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 or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the program according to these criteria.

Anyone may file a complaint against a facility. Complaints are often filed by consumers, facility staff, animal control officers and other government officials. The agency accepts written complaints only, and complaints are filed through a portal on the agency's website. The program prioritizes complaints related to animal welfare first.

The agency does not track the basis of each complaint, so it is unable to provide data specific to the total number of complaints by type.

The allegations within the complaints can range from minor to major violations of PACFA. Investigations into some of the more serious complaints require significant agency resources. In addition to its own investigations, the agency coordinates with animal control officers, animal welfare organizations, shelters and other state and law enforcement agencies on a regular basis.

The agency often receives health-related complaints from consumers. Complaints are also often filed against doggy day care facilities that do not have sufficient staff to monitor the number of animals being watched.

It is estimated that approximately 30 percent of complaints pertain to unlicensed facilities. For instance, the program often receives complaints related to hoarding, especially in rural areas. Urban areas often have limits on the number of dogs and cats allowed per household. In Colorado, anyone with more than 15 dogs or cats must be licensed as a shelter. Colorado was one of the first states to adopt a threshold law like this. At this time, about 10 other states have adopted similar laws.

Cease and desist orders are usually issued when a facility is found to be operating without a license. Typically, the agency informs the facility that a license is required and allows the facility to come into voluntary compliance by applying for a license. If the applicant does not meet PACFA's standards, the Commissioner denies the license and issues a cease and desist order.

PACFA works closely with shelters throughout Colorado to place the animals that need to be rehomed in these cases.

Investigations into some of the more egregious cases may present a considerable degree of danger for program staff. Investigations may be conducted on private property in remote areas of the state. In those cases, an investigator wears protective gear, documents the inspection on video and may conduct the investigation with other members of staff or with local law enforcement.

Table 8 demonstrates, over a five-year period, the total number of complaints received by the agency during each year and the results of these complaints.

**Table 8**
**Complaints by Calendar Year**

| Complaint Results | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| Cease and Desist Order | 9 | 12 | 22 | 19 | 14 |
| Civil Penalty | 32 | 37 | 70 | 37 | 21 |
| Compliant | 40 | 42 | 51 | 50 | 47 |
| Criminal Summons | 2 | 6 | 2 | 1 | 0 |
| License Not Required | 95 | 95 | 90 | 100 | 63 |
| Licensed | 51 | 44 | 41 | 51 | 41 |
| No Violation | 77 | 90 | 146 | 147 | 128 |
| Noncompliant | 58 | 71 | 61 | 76 | 74 |
| Not Regulated | 35 | 24 | 31 | 47 | 59 |
| Prospect Unresolved | 62 | 49 | 58 | 64 | 49 |
| Warning | 28 | 31 | 22 | 36 | 37 |
| Open Investigation | 120 | 108 | 92 | 70 | 114 |
| **Total** | **609** | **609** | **686** | **698** | **647** |

About 18 percent of all complaint investigations resulted in a finding of no violation, and 16 percent of complaints remained open in any one calendar year. About 14 percent of complaint investigations determined that licenses were not required. Over the five-year period, complaint investigations resulted in warnings in five percent of the cases and resulted in cease and desist orders in two percent of the cases. In six percent of complaint investigations, the agency issued civil penalties. During this period, criminal summons were issued 11 times, which represents less than one percent of cases.

Table 9 provides, over a five-year period, the total number of complaints that were closed, the number of complaints that remained open and the percentage of complaints that the agency closed each year.

**Table 9**
**Percentage of Complaints Closed**
**By Calendar Year**

| Year | Closed | Open | Percent |
|---|---|---|---|
| 2020 | 489 | 18 | 80% |
| 2021 | 501 | 108 | 82% |
| 2022 | 594 | 92 | 87% |
| 2023 | 628 | 70 | 90% |
| 2024 | 544 | 103 | 84% |

Over the five-year period, the average percentage of complaints closed each year is 85 percent, which is consistent with the agency's goal.

## Enforcement Activity

The tenth sunset criterion requires COPRRR to examine 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 or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

The Commissioner has the authority to issue letters of admonition, deny, suspend, refuse to renew, restrict or revoke a license if a facility violates PACFA or the Commissioner's rules.

The goal of the Commissioner is to bring facilities into compliance with the standards. When the agency uncovers violations of PACFA, it generally starts by educating the licensee about the violations. When facilities continue to be noncompliant, the inspectors have the authority to issue fines. If a facility fails multiple inspections, the Commissioner has grounds to place the license on probation and may seek to suspend or revoke the license if the facility continues to fail inspections.

Under PACFA, the Commissioner does not have the authority to seize or impound animals, which is why the agency rarely takes the step of suspending a license. Instead, when animals are being neglected or mistreated, the agency works closely with local law enforcement. When necessary, the program may also cooperate with the Bureau of Animal Protection (BAP), since BAP has more authority to address cases of animal cruelty or neglect than the Division does under PACFA.

Table 10 shows, over a five-year period, the total number of enforcement actions, by type, taken against facilities.

**Table 10**
**Enforcement Actions**
**By Calendar Year**

| Disciplinary Action | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| Revocation/Surrender/Voluntary Relinquishment | 2 | 0 | 1 | 2 | 1 |
| Suspension | 0 | 1 | 0 | 0 | 0 |
| Stipulated Order/Probation | 1 | 1 | 0 | 4 | 4 |
| License Denied | 2 | 0 | 3 | 7 | 6 |
| Permanent Injunction/Contempt of Court | 0 | 1 | 0 | 0 | 3 |
| **Total** | **5** | **3** | **4** | **13** | **14** |

In some cases, when the Commissioner issues a notice of charges, the facility elects to voluntarily relinquish its license in lieu of revocation. Often these cases concern organizations that are run by well-meaning people who attempt to rescue or shelter more animals than resources allow, which, regrettably, may harm the health and welfare of the animals.

In one of these cases, an animal rescue organization knowingly imported puppies with distemper and then placed them up for adoption without disclosing the condition to consumers.

Another rescue organization was importing large numbers of animals into the state when it ran into trouble securing enough volunteers to foster the animals. Consequently, the rescue obtained a shelter license, but it was not successful as a shelter, which put the health and welfare of the animals in the facility's care at risk of harm.

Another case related to a limited admission shelter that failed three inspections. The animals were found to be living in extremely poor conditions, and the city where the shelter was located, ultimately, took control of the shelter.

From 2020 to 2024, the agency denied several licenses for a variety of reasons, such as individuals in control of the facilities having convictions related to animal cruelty and facilities that failed to meet PACFA standards during pre-licensure inspections.

## Late Fees and Civil Penalties

The Commissioner has the authority to impose a late fee on a licensee for failure to renew a license prior to its expiration. The Commissioner may also impose a civil penalty on anyone who violates PACFA.

PACFA inspectors are allowed to issue civil penalties on behalf of the Commissioner. Civil penalties are issued on a case-by-case basis.

Typically, civil penalties must be approved before an inspector issues them, but they have the ability do this in the field and some situations do not require approval. For example, if a doggy day care has 45 dogs and only one employee to supervise them, the inspector is authorized to issue a civil penalty without seeking approval.

As some of the problems in facilities often relate to financial matters, the inspectors are cautious when issuing fines, and inspectors typically do not assess civil penalties up to the $1,000 limit.

As the purpose of the program is to bring facilities into compliance, the agency may allow a portion of the fines to be held in abeyance. For example, if a facility is fined $8,000, it may be required to sign a compliance agreement and pay $1,000 of the fine. However, if it is found to be compliant during the next routine inspection, the remainder of the fine will be forgiven.

The agency provides an online portal where licensees can easily pay late fees and civil penalties.

Table 11 demonstrates, over a five-year period, the total number and amount of late fees and civil penalties issued each year, and the total amount of late fees and civil penalties collected by fiscal year.

**Table 11**
**Late Fees and Civil Penalties**

| | Late Fees | | Civil Penalties | | |
|---|---|---|---|---|---|
| Fiscal Year | Number | Amount | Number | Amount | Collected |
| 19-20 | 175 | $7,524 | 25 | $21,900 | $29,424 |
| 20-21 | 164 | $7,018 | 61 | $17,600 | $24,618 |
| 21-22 | 233 | $11,350 | 65 | $12,755 | $24,105 |
| 22-23 | 244 | $11,825 | 58 | $12,950 | $24,775 |
| 23-24 | 420 | $19,006 | 34 | $15,900 | $34,906 |
| **Total** | **1,236** | **$56,723** | **243** | **$81,105** | **$137,828** |

The total number of late fees assessed in fiscal year 23-24 was higher than in other years. The agency adopted a new licensing system that year, which may be the reason for the higher rate of late license renewals that year.

Over the five-year period, the average late fee was $46, and the average civil penalty was $334. In fiscal year 23-24, the value of the civil penalties assessed by the agency was higher than in other years because some of the violations were particularly egregious.

## Collateral Consequences – Criminal Convictions

The thirteenth sunset criterion requires COPRRR to examine whether the agency, through its licensing, certification or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests.

COPRRR utilizes this section of the report to evaluate the program according to this criterion.

The Commissioner has the ability to deny, suspend, refuse to renew, restrict or revoke a license based on a conviction of animal cruelty, animal fighting or theft, importation, capture, neglect or abuse of an animal.

Table 12 shows, over a five-year period, the actions taken against an applicant or licensee based on the results of a criminal history record check.

**Table 12**
**Collateral Consequences of Criminal History**
**By Calendar Year**

| Sanction/Disqualification | 2020 | 2021 | 2022 | 2023 | 2024 |
|---|---|---|---|---|---|
| Denials | 0 | 1 | 1 | 1 | 2 |
| Suspensions | 0 | 1 | 0 | 0 | 0 |
| Revocations | 0 | 0 | 1 | 0 | 0 |
| **Total** | 0 | 2 | 2 | 1 | 2 |

Over the five-year period, the Commissioner denied five licenses related to criminal history. In each of these cases, the applicant lied about a conviction related to animal cruelty, which resulted in the license being denied. Over this same period, one license was suspended in 2021 on the basis of a charge related to aggravated animal cruelty, which was uncovered by the agency during an investigation. In the following year, the license was revoked following a conviction.

## Pet Animal Advisory Committee

PACFA creates a 17-member Pet Animal Advisory Committee (Advisory Committee), which meets twice a year to provide guidance to the Commissioner regarding changes to the program's rules. The Advisory Committee also provides information about the implementation of PACFA by the agency.

As of this writing, the most recent meeting was held on May 28, 2025. At the time, many of the Advisory Committee seats were open.

The Advisory Committee includes representatives of:[76]

- Animal rescues,
- Bird breeders,
- Small-scale dog breeders,
- Cat breeders,
- Small animal breeders,
- Boarding kennels,
- Doggy day care,
- Pet groomers,
- Pet animal retailers,
- Pet animal wholesalers,
- Animal control officers,
- Animal shelters, and
- Large-scale dog breeders.

One seat is also set aside for a Colorado-licensed veterinarian, and three seats are set aside for members of the public, who may not represent or have a financial interest in any of the groups listed above.

## Colorado Pet Overpopulation Authority

The Colorado Pet Overpopulation Fund (Pet Overpopulation Fund), authorized under PACFA, was created to award grants to support efforts to spay and neuter pet animals in under-resourced areas and to provide education about pet overpopulation.

The Pet Overpopulation Fund receives money from state income tax donations, special license plates and from gifts, grants and donations.

A Board of Directors is granted the authority to oversee the Pet Overpopulation Fund. The members serve three-year terms and must include one representative from each of the following organizations:

[76] § 35-80-115(1), C.R.S.

- The Animal Assistance Foundation,
- An animal control agency,
- An animal shelter,
- The Colorado Veterinary Medical Association,
- The Colorado Department of Agriculture,
- The general public with an interest in animal welfare, and
- A pet animal rescue.

Additionally, the Board of Directors must also include a representative of a licensed pet animal facility located in a county with a population of 50,000 or less and a representative of an animal shelter, an animal rescue or a licensed veterinarian from each of the following areas:

- Western Colorado,
- Eastern Colorado, and
- Southern Colorado.

Table 13 demonstrates, over a five-year period, the total revenue collected, by funding source, for the Pet Overpopulation Fund and the total amount of grant funds awarded for each fiscal year.

**Table 13**
**Total Revenue and Grant Funds Awarded**

| Type | FY 19-20 | FY 20-21 | FY 21-22 | FY 22-23 | FY 23-24 |
|---|---|---|---|---|---|
| Special License Plates | $465,260 | $515,189 | $544,441 | $604,288 | $650,583 |
| Taxpayer Donations | $149,949 | $108,900 | $210,736 | $159,053 | $195,105 |
| Gifts, Grants and Donations | $23,055 | $22,485 | $8,761 | $9,510 | $16,659 |
| **Total Revenue** | **$638,264** | **$646,574** | **$763,938** | **$772,851** | **$862,347** |
| Total Grants Awarded | $776,137 | $764,547 | $697,600 | $791,000 | $897,900 |

On average, the Pet Overpopulation Fund awards over $785,000 in grant funds each year. Taxpayer donations represent 22 percent of the total revenue generated for the Pet Overpopulation Fund, and special licenses plates represent 75 percent of the total revenue.

# Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendations that follow are offered in consideration of this criterion, in general, and any criteria specifically referenced in those recommendations.

## Recommendation 1 — Continue PACFA for 15 years, until 2041.

The Pet Animal Care and Facilities Act (PACFA) is located in Article 80 of Title 35 Colorado Revised Statutes (C.R.S.). The Commissioner of Agriculture (Commissioner) in the Department of Agriculture is vested with the authority to administer and enforce PACFA. While Colorado began regulating some pet animal facilities in the 1950s, the statute that establishes the current regulatory program was enacted in 1994. The purpose of PACFA is to protect animal welfare by licensing and inspecting facilities that breed, groom, train, board, rescue, shelter and sell pet animals.

Under PACFA, pet animals are:[77]

> Dogs, cats, rabbits, guinea pigs, hamsters, mice, rats, gerbils, 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.

Regardless of their use, animals associated with farms and ranches are specifically excluded from the definition of pet animals,[78] including:[79]

- Cattle,
- Horses,
- Mules,
- Burros,
- Sheep,
- Llamas, and
- Goats.

The first sunset criterion questions whether regulation is necessary to protect the health, safety and welfare of the public.

In Colorado, protecting pet animals and consumers of pet animal care and facilities is a matter of considerable interest. The public policy of the state has supported the regulation of the pet animal industry for several decades, and Coloradans continue to

[77] § 35-80-102(10), C.R.S.
[78] § 35-80-102(10), C.R.S.
[79] § 35-80-102(9), C.R.S.

have a strong interest in the animals they often consider to be companions or family members and the welfare of these animals when they are being cared for by others.

Pet animal facilities are regulated in Colorado to prevent and mitigate the spread of disease not only from pet to pet, but also from pet to human. In settings such as boarding facilities and shelters, pets are especially susceptible to communicable diseases. The Commissioner's rules establish standards for these facilities to control the spread of disease, and the program's inspectors enforce these standards by conducting inspections and endeavoring to bring facilities into compliance with the standards.

In addition to disease control, pet animal facilities are also regulated to protect the welfare of the pets in their care and to protect the humans that bring them into their homes and families.

Colorado annually imports thousands of pet animals from other states, which increases the potential for the spread of diseases. At one time, certain diseases, such as brucella canis, heartworm and parvo virus were low or nonexistent in the state. However, the incidence of these diseases is growing in Colorado.

To reduce the impact of these and other communicable diseases, the Commissioner has strengthened the rules adopted under PACFA, and the agency works with other agencies and jurisdictions, such as the Department of Public Health and Environment, the Department of Natural Resources and local animal control agencies to address possible public health issues.

PACFA protects the public by requiring pet animal facilities to be licensed and inspected. As the agency regulates several different types of facilities, inspections are complicated. Some facilities are large operations run by employees that transfer thousands of animals a year, and others are small non-profits run by volunteers out of their homes. Inspectors must be knowledgeable about disease control, animal control, animal welfare and the wide variety of animal species that Coloradans keep as pets. Additionally, inspectors must navigate complicated interpersonal relations and cooperate with animal welfare advocates, consumers, local animal control officers, officials from other state agencies and jurisdictions, pet animal businesses and non-profit organizations.

When violations are uncovered during an inspection, the inspector provides the facility an opportunity to correct any issues prior to a follow-up inspection. Inspectors work with facilities to bring them into compliance. However, if a facility fails to conform with PACFA standards or continually violates the terms of its license, the Commissioner may take steps to initiate an enforcement action against the license.

The agency has seven full-time equivalent employees who conduct inspections and investigations of Colorado pet animal facilities. In 2025, the agency licensed over 3,000 pet animal facilities, but the agency attempts to inspect each licensed facility at least once each year. In addition to annual inspections, the agency also conducts pre-license inspections, complaint-based inspections and follow-up inspections. In 2024, the agency conducted inspections on at least 80 percent of all licensed facilities. If a licensed facility does not receive an annual inspection, the agency prioritizes an inspection at the facility the following year.

It should also be noted that when PACFA is continued, so too will the Colorado Pet Overpopulation Authority (Pet Overpopulation Authority), the Pet Overpopulation Fund (CPOF) and the Pet Animal Advisory Committee (Advisory Committee), each of which plays an important role in protecting the welfare of Colorado's pets.

Under PACFA, when pets are cared for by licensed facilities, Coloradans can be reasonably confident that the animals are being treated humanely in healthy settings. Without PACFA, animal welfare would principally fall under the jurisdiction of local law enforcement and animal cruelty laws, which is a far different and significantly lower level of protection.

The sunset review of PACFA is always contentious, with a considerable amount of interest from a wide range of stakeholders. However, most of the issues raised during the current sunset review were related to the administration of the program by the Commissioner, and only two of these issues resulted in recommendations. The other recommendations in the report are proposed to modernize and clean up PACFA. Considering this, a 15-year continuation is reasonable.

For these reasons, the General Assembly should continue PACFA for 15 years, until 2041.

## Recommendation 2 — Amend the Advisory Committee membership by repealing the committee seats reserved for specific license categories and instead require the Commissioner to appoint representatives from 10 separate license categories.

The Advisory Committee is authorized under PACFA to provide guidance to the Commissioner on rules and the ongoing review of the statute.

The 17 members of the Advisory Committee are appointed by the Commissioner, including one seat set aside for a licensed veterinarian, one seat to represent animal control officers, three seats to represent the general public. Additionally, one seat is set aside to represent each of the following:[80]

- Animal rescues,
- Bird breeders,
- Small scale dog breeders,
- Large scale dog breeders,

[80] § 35-80-115(1), C.R.S.

- Cat breeders,
- Small animal breeders,
- Boarding kennels,
- Dog day care,
- Pet groomers,
- Pet animal retailers,
- Pet animal wholesalers, and
- Animal shelters.

For a variety of reasons, many of the seats reserved for specific license types often remain open. For instance, the Commissioner has had difficulty finding a cat breeder willing to participate in the Advisory Committee. Additionally, some facilities have several types of licenses, so one individual could potentially represent more than one license type. As the statute is written, however, this is not an option. During the course of the sunset review, the agency endeavored to fill several open seats and, during that time, at least two committee members resigned. In fact, seven seats were open when this report was being drafted.

In addition, since PACFA authorizes the Commissioner to create new categories and subcategories of license types, the statute does not include all of the license categories.

The fifth sunset criterion asks, in part, whether the agency's operation is impeded or enhanced by existing statutes, rules, procedures and practices. The seventh sunset criterion asks, in part, whether the composition of the agency's board adequately represents the public interest.

Since PACFA prescribes the license types to be represented on the Advisory Committee and since the Commissioner has had difficulty filling some of those seats, the program's operations are impeded by the lack of a fully constituted Advisory Committee.

Rather than prescribe the license types to be represented on the Advisory Committee, it would be more efficient to simply require the Commissioner to appoint 10 members who represent specific and distinct license types under PACFA, without naming the license types in statute. This flexibility will help the Commissioner find enough members to serve to have a fully constituted Advisory Committee.

For all these reasons, the General Assembly should amend the Advisory Committee membership by repealing the committee seats reserved for specific license categories and, instead, require the Commissioner to appoint representatives from 10 separate license categories. However, the seats reserved for a veterinarian, an animal control representative and three public members should remain.

## Recommendation 3 — Specify that Advisory Committee members may serve no more than two consecutive terms of four years.

Currently, members of the Advisory Committee are appointed to three-year terms. While PACFA does not limit the number of terms that a member may serve on the committee, the Commissioner has adopted a policy that limits the members to three consecutive terms.

It is generally the public policy of Colorado to limit the number of terms on boards, commissions and other governmental bodies. For instance, the Governor is limited to two terms, and the members of the General Assembly also have term limits.

Term limits ensure that new people have an opportunity to serve. This can help to create a healthier committee because new members bring fresh perspectives, ideas and information.

The Advisory Committee only meets twice a year, and the program is somewhat complex considering the breadth of the program rules and the various types of facilities that it regulates. Because of this, it takes some time for committee members to become oriented to the program and the committee meetings. Considering this, terms of three years may be too short.

The fifth sunset criterion asks, in part, whether the agency's operation is impeded or enhanced by existing statutes, rules, procedures and practices.

Changing the length of members' terms from three years to four years would allow members more time to accrue institutional knowledge. Although diminished somewhat by decreasing the number of terms a member may serve, it should also alleviate the amount of time the agency would otherwise spend on recruiting and orienting new members.

Therefore, the General Assembly should amend PACFA by specifying that Advisory Committee members may serve no more than two consecutive terms of four years.

## Recommendation 4 — Codify the Commissioner's rule concerning veterinary certificates of health requirements for the importation of pet animals into the state.

Currently, PACFA prohibits importing a cat or a dog into Colorado without a valid certificate of veterinary health. This is done to mitigate the spread of communicable diseases.

Often, the focus of regulations in PACFA is centered on dogs and cats, likely because these are the most popular pets. However, other pets that are imported into Colorado also could carry communicable diseases.

To address this concern, the Commissioner has adopted a rule that requires a certificate of veterinary health for any pet animal that is imported into the state, except for reptiles, fish or rodents. The rule also requires the certificate to have been issued within 10 days of the animal's arrival in Colorado by a veterinarian accredited in the state of origin.

The Commissioner's rule is more comprehensive than PACFA itself and provides Colorado with better protection for pets and the humans they live with.

Also, merely having a certificate of veterinary health is insufficient protection for pets and the humans who care for them since the older the certificate is, the more likely an animal may have been exposed to communicable diseases. Ten days is a reasonable amount of time to expect the certificate of health to remain relevant.

The first sunset criterion asks whether regulation is necessary to protect the public health, safety and welfare. While cats and dogs are the most popular pets owned by Coloradans, other species of animals also live in close proximity to other animals and to humans. As these animals may also carry communicable diseases, it would be responsible to require a certificate for these animals too.

Therefore, the General Assembly should codify the Commissioner's rule concerning veterinary certificates of health requirements for the importation of pet animals to the state.

## Recommendation 5 — Authorize the Commissioner to adopt rules to extend the holding period for animals admitted to shelters.

Section 35-80-106.3(1), C.R.S., currently requires an animal shelter to hold a pet animal in the custody of the facility for at least five days before the pet animal may be offered for adoption or euthanized. If the pet animal does not have a collar, microchip or another form of identification and the shelter lacks resources or the pet animal is dangerous, the shelter may euthanize the pet animal in three days. Only the days that the shelter is open count toward the holding period.

Some stakeholders are concerned that the holding period required under statute may not provide an owner with sufficient time to recover a lost pet that has been admitted to a shelter, especially if the owner is out of town.

COPRRR does not have any evidence of wrongdoing on the part of any shelters in Colorado. Shelters licensed under PACFA generally strive to find homes for the animals in their care and to save as many of the animals' lives as possible. Still, it is possible that a shelter may euthanize an animal before the owner contacts the facility to retrieve it. However, this situation is more likely to occur if the animal does not have any identification, such as a tag or a microchip, on it.

As the agency regularly interacts with shelters and other stakeholders, it is the subject matter expert on this issue. The agency also collects data on Colorado shelters and euthanasia, so it may be able to identify trends and address any necessary changes in its rules if necessary.

Considering this, it is reasonable to ensure that the Commissioner has the authority to address issues related to the required holding period.

The fifth sunset criterion asks, in part, whether the agency's operation is impeded or enhanced by existing statutes, rules, procedures and practices.

As the agency is well positioned to respond to problems identified in relation to this issue, the Commissioner should be granted clear authority to extend, by rule, the required holding period established in statute.

Therefore, the General Assembly should authorize the Commissioner to adopt rules to extend the holding periods for animals admitted to shelters.

## Recommendation 6 — Repeal the cap on license fees.

PACFA requires the Commissioner to establish fees based on the actual cost of regulation. At the same time, it also limits the amount the Commissioner may charge for each license. Since 2003, the limit for a PACFA license has been $700.

The program is funded by license fees. While fee caps provide the regulated community with a level of assurance that these costs cannot exceed a certain level and are generally viewed as a means to keep government spending from increasing beyond what is necessary, they inevitably reduce the resources that the regulator relies on to effectively enforce the law.

PACFA requires a variety of facilities, from large shelters to owner-operated groomers, to be licensed. However, the fees provide little room to differentiate between the size, complexity and the actual cost of regulation of the specific types of facilities. The license fees imposed by the agency in fiscal year 23-24 can be found in Table 3.

While the license fees assessed by the Commissioner have not reached the $700 limit established in statute, as the cost of regulation increases, the Commissioner will have no choice but to increase fees. Inevitably, smaller facilities will bear a disproportionate share of the cost of regulation. As of fiscal year 23-24, the difference between the license fee for a large animal rescue and a small animal rescue was only $100. This was also true for large-scale and small-scale dog breeders.

Other regulatory programs with fee caps have encountered problems when the license fees reach the cap. When this occurs, the agency must make difficult decisions about how to use the limited resources available. For example, in one such program also housed in the Department of Agriculture (Department), the Commissioner reduced the number of inspectors by half, and a couple of years later, they eliminated the inspectors altogether. Clearly, this degraded the effectiveness of the regulatory program.

As the program is driven by inspections, eliminating the inspectors would severely impair the program's ability to protect the public and the animals that the facilities serve.

The current fee cap was established in 2003. If it were adjusted for inflation, the fee cap would be approximately $1,225 as of the writing of this report. However, simply raising the cap to adjust for inflation only serves to recreate the same problem in the future. The better course is to repeal the cap altogether.

Repealing the fee cap will not enable the Commissioner to increase fees with abandon. The General Assembly will still be required to authorize the Commissioner to raise and expend those funds.

However, even if the General Assembly increases the agency's spending authority, if the agency cannot collect sufficient revenue to perform its regulatory responsibilities, its effectiveness will be diminished, which will increase the risk of harm to consumers and the animals cared for in pet animal facilities.

The second sunset criterion asks, in part, whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less or the same degree of governmental oversight. The fifth sunset criterion asks, in part, whether agency operations are impeded by existing statutes.

The current fee cap provides the Commissioner with little room to assess license fees that correspond to the actual cost of regulation of its various license types. However, authorizing fees without the cap would allow the Commissioner to more equitably assess these fees.

For these reasons, the General Assembly should repeal the statutory fee cap.

## Recommendation 7 — Modernize the Commissioner's fining authority.

The fining authority for the Commissioner was established in 1994 at $1,000, and it has not changed since that time.

The second sunset criterion asks, in part, whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less or the same degree of governmental oversight. The fifth sunset criterion asks, in part, whether the agency's operation is impeded or enhanced by existing statutes, rules, procedures, and practices. The tenth sunset criterion asks, in part, whether disciplinary procedures adequately protect the public interest.

In this case, inflation has served to diminish the effectiveness of the Commissioner's fining authority over the last three decades. In order for fines to continue to be a deterrent to violating PACFA and the Commissioner's rules, the fining authority should be updated to reflect the value of the dollar today.

Therefore, the General Assembly should modernize the fining authority to account for inflation by increasing it to $2,500.

## Recommendation 8 — Establish a time period during which a cease and desist order may be contested.

If anyone has violated PACFA or the Commissioner's rules, the Commissioner is authorized to issue an order to cease and desist, and the recipient of a cease and desist order may request a prompt hearing to determine whether a violation has occurred.

Interestingly, PACFA does not establish a deadline for the recipient of a cease and desist order to request a hearing. While the Commissioner has not had any issues with this in recent memory, it could be problematic since it leaves the opportunity for a hearing to be requested indefinitely.

The fifth sunset criterion asks, in part, whether the agency's operation is impeded or enhanced by existing statutes, rules, procedures and practices.

Typically, the statutes that authorize cease and desist orders include a clear time period during which a cease and desist order may be challenged. For instance, the Department's Produce Safety Program authorizes the recipient of a cease and desist order to request a hearing within 30 days. This allows the recipient a reasonable opportunity to challenge the order while still providing the Commissioner with a definite date by which a case may be resolved.

Therefore, the General Assembly should amend the authority for a person to request a hearing following the receipt of a cease and desist order by requiring the request to be submitted within 30 days of the Commissioner issuing the order.

## Recommendation 9 — Relocate the authorizing statute for the Pet Overpopulation Authority.

Unlike other similar organizations, whenever PACFA undergoes sunset review, the Pet Overpopulation Fund must also be reviewed and reauthorized. During the sunset review, stakeholders were primarily interested in the licensing and enforcement of pet animal facilities, and they generally showed little interest in the Pet Overpopulation Fund. In fact, stakeholders were often surprised that the Pet Overpopulation Fund is authorized under PACFA.

The first sunset criterion asks whether regulation is necessary to protect the public health, safety and welfare. While the mission of PACFA and the Pet Overpopulation Fund are similar, the administration of this fund is located outside of the Department, and the Commissioner does not have any oversight over the operations of the fund.

Rather than require the Pet Overpopulation Fund to be reviewed and reauthorized whenever PACFA undergoes sunset review, this funding mechanism should be moved to another section of the Colorado Revised Statutes to appear with other similar programs, such as Part 2 of Article 3 of Title 42, which specifically addresses the issuance and taxation of license plates.

For these reasons, the General Assembly should relocate the authorizing statute for the Pet Overpopulation Authority.

## Administrative Recommendation 1 — The agency should review the Commissioner's rulemaking authority under PACFA to determine whether exceptions to the spay and neuter requirement may be adopted by rule or if a statutory change is necessary.

Under PACFA, a shelter or a rescue may only release a dog or a cat for adoption if it has been spayed or neutered by a licensed veterinarian.

Prior to 2019, PACFA allowed a dog or a cat to be released without being spayed or neutered if the party adopting the animal paid a deposit fee, in an amount determined by rule, which would be forfeit if the animal was not sterilized within 90 days.

While the 2018 sunset review of PACFA recommended no changes to this process, in order to address concerns related to pet overpopulation, such as unwanted litters and homeless animals, the General Assembly amended the sunset bill by repealing the allowance for release with a deposit fee. However, under PACFA, an exception is still permissible, via waiver, if a veterinarian determines that the health of the animal would be jeopardized by the procedure.

During the current sunset review, some stakeholders raised concerns related to the spay and neuter requirement. Specifically, opponents of the current law are concerned about health issues that may result from spaying and neutering puppies.

Conversely, proponents of the current law maintain that the health concerns are largely unfounded and the benefits of preventing unwanted litters and the problems related to pet overpopulation outweigh those concerns.

Both opponents and proponents of the current provision have evidence to support their positions. Shelters generally support requiring spaying and neutering before adoption to prevent overpopulation. Some of the issues related to growth hormones and bone growth may be true, but spaying and neutering can also prevent other health issues. For example, spaying early prevents cancer in female dogs.

The fifth sunset criterion asks, in part, whether the agency's operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances.

While this issue came up during the current sunset review, COPRRR did not have sufficient evidence to make a recommendation to amend PACFA or the agency's rules.

Regardless, the Commissioner has adopted a waiver process, but it may not be flexible enough to handle all scenarios. For instance, the waiver process largely applies to licensed facilities, as opposed to individuals adopting an animal who have concerns with the health implications of the animal being spayed or neutered at an early age.

Consequently, the agency should review its current process, in time for consideration during the 2026 legislative session, to determine whether the Commissioner has the authority under PACFA to reform the waiver process or whether any statutory changes are necessary.

### Administrative Recommendation 2 — The agency should publish all public disciplinary actions, such as license suspensions, restrictions and revocations, so that the public may easily access them, including the associated public documents, such as final agency orders.

If the Commissioner determines that a pet animal facility has committed any acts that are grounds for discipline, PACFA grants the Commissioner the authority to take the following actions:

- Issue a letter of admonition,
- Suspend the license,
- Refuse to renew the license,
- Restrict the license, and
- Revoke the license.

These actions and the associated documents, such as stipulated agreements, are public information. At this time, however, the public cannot readily find this information since the documents can only be obtained by filing an open records request. While the Department may issue a press release when it takes action against a licensee, the agency's website does not provide historical information about previous disciplinary actions taken against licensees.

The fifth sunset criterion asks, in part, whether the agency operates in the public interest.

Providing easily accessible information about the disciplinary activity of a regulatory agency is important for a number of reasons. For one, it creates clear and open communication with the public, which is important for preserving the public's trust.

Similarly, sharing its disciplinary activity could help to improve the agency's public image. At this time, when a licensee is disciplined, it can easily launch a public relations campaign against the agency. If the public had better access to information regarding disciplinary cases, it would be able to determine whether the agency carried out its duties fairly and effectively, potentially dispelling reports of improper conduct on behalf of the agency.

Moreover, openly publishing this information should discourage misconduct. Not only will facilities have a better understanding of the type of conduct that may result in enforcement action, they will also have a better understanding of the consequences of noncompliance.

Publishing historical disciplinary actions can also help to encourage public participation. For instance, if a consumer has serious concerns about a pet animal facility, they are more likely to submit a complaint if they recognize that the agency has taken action against other facilities for similar conduct.

Finally, providing this information also shines a light on the agency so that the public can readily evaluate its effectiveness and hold it accountable if it is not carrying out its duties.

For all these reasons, the Commissioner should publish all historical public disciplinary actions, such as letters of admonition and license suspensions, restrictions and revocations, so that the public may easily access them, including the associated public documents such as final agency orders.