



## THE PET ANIMAL CARE AND FACILITIES ACT

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This *issue brief* provides an overview of state laws related to pet animal facilities. These facilities are licensed and regulated under the Colorado Pet Animal Care and Facilities Act (PACFA).<sup>1</sup>

Under PACFA, any place that is used for the keeping of pet animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals must be licensed as a pet animal care facility by the Colorado Department of Agriculture (CDA).

Pet animals include 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. Livestock and animals that are used for working purposes on a farm or ranch are not considered pet animals.

### Facility Licensing

All pet animal facilities must be licensed under PACFA by the CDA and licenses must be renewed annually. It is unlawful, and considered to be a deceptive trade practice under the Colorado Consumer Protection Act, to perform any of the acts of a pet animal facility, or to solicit, advertise, or offer to perform any of the acts for which licensure as a

pet animal facility is required without possessing a valid license to perform such acts.

Licenses may be denied, suspended, or revoked under several circumstances, including if the applicant or licensee, or any other individual who may have substantial control or authority over the licensee or over daily operations, has been convicted of cruelty to animals or animal fighting.

### Number of PACFA Licensees in Colorado As of May 15, 2017

License Type	Number of Licensees
Bird breeder	28
Cat breeder	13
Small-scale dog breeder	157
Large-scale dog breeder	22
Small animal breeder	28
Reptile/amphibian breeder	5
Animal rescue	123
Small-scale animal shelter	135
Large-scale animal shelter	13
Animal sanctuary	7
Pet boarding/training	574
Pet handler	72
Pet transporter	61
Retailer/wholesaler	177
Retail aquarium only	67
Independent contract groomers	175
Grooming and wash facilities	967

*Source: Colorado Department of Agriculture.*

<sup>1</sup>Section 35-80-101, *et seq.*, C.R.S.

## PACFA Administration and Enforcement

The Commissioner of Agriculture, the head of the CDA, administers and enforces the provisions of PACFA. Additionally, the commissioner is authorized to promulgate rules for the administration and enforcement of PACFA, including rules that establish the minimum standards for a physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, and medical treatment. Rules promulgated by the commissioner can be found in 8 CCR 1202-15.

The commissioner is authorized to conduct inspections of licensees, either upon the commissioner's own motion or upon receiving a complaint from any person, to ensure the licensee's compliance with PACFA. The commissioner may issue a cease-and-desist order whenever the commissioner has reasonable cause to believe a violation of PACFA or the associated rules has occurred and immediate enforcement is deemed necessary.

***Pet Animal Advisory Committee.*** The Pet Animal Advisory Committee was created under PACFA to advise the commissioner in establishing regulations and provide an ongoing review of PACFA. The committee is comprised of 17 members, including representatives of boarding kennels, the dog day care industry, pet groomers, animal rescues and shelters, breeders, and others.

## Additional Provisions

PACFA includes several additional provisions related to:

- required holding periods and sterilization for shelter and rescue pets;
- record-keeping requirements;
- unlawful acts;
- civil and criminal penalties;
- the Pet Overpopulation Authority; and
- the Pet Overpopulation and Pet Animal Care and Facility Funds.

## Exemptions

Several types of entities and individuals are exempt from the provisions within PACFA, including:

- veterinary hospitals that board pet animals for veterinary medical care;
- any research facility, circus, zoological park, or petting zoo licensed under the federal Animal Welfare Act of 1970;
- hobby breeder facilities;
- pet animal training facilities where the pet animal owner is present during the duration of the animal's stay;
- any kennel operated for the breeding or sale or racing of racing greyhounds that are not intended to be companion pets;
- licensed greyhound racing facilities;
- wildlife regulated by the Colorado Department of Natural Resources;
- livestock;
- any owner, breeder, handler, or trainer while transporting a pet animal to or from or exhibiting or competing at any event licensed, regulated, or sanctioned by the American Kennel Club, United Kennel Club, or any other nationally recognized registering organization;
- wildlife sanctuaries;
- individuals boarding no more than three pet animals at one time; and
- any company that is not a pet animal facility that uses technology in its business model.

## Sunset Review

PACFA was initially adopted in 1994, and has undergone sunset reviews by the Colorado Department of Regulatory Agencies (DORA) in 1999, 2008, and 2013. The 2013 sunset review report can be found at:

<https://drive.google.com/file/d/0B8bNvcf083ydczFCTGlsU0xfdTQ/view>

PACFA is scheduled to repeal on September 1, 2019. Prior to this repeal date, DORA will perform another sunset review.