



NOTICE OF PUBLIC RULEMAKING HEARING

FOR AMENDMENTS TO

“Bureau of Animal Protection Rules” 8 CCR 1201-18

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

DATE: October 15, 2020
TIME: 1:00 pm
LOCATION: This hearing will be held by telephone.
CALL INFORMATION: 1-617-675-4444 PIN: 834 099 660 2901#

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

The purpose of this rulemaking is to update the rule and to harmonize it with statutory amendments made to section 35-42-107(4), C.R.S., during the 2020 legislative session (SB 20-104). Specifically, the changes to the rule define the investigative authorities of commissioned agents and remove distinctions related to inspections and assessments that had become unnecessary; adjusts statistic reporting requirements; defines specific training requirements; and provides specificity related to the Commissioner’s authority to place a commission in an inactive status, to reinstate a commission, and to revoke a commission should an agent fail to report information related to a change in employment.

The statutory authority for these rules is § 35-42-106 C.R.S.

Any interested party may file written comment with the Commissioner’s office prior to the hearing, or present at the aforementioned hearing written data, views or arguments. Emailed comments should be sent to the hearing officer at Jenifer.Gurr@state.co.us. A copy of the proposed rule is available on the Department of Agriculture’s website at www.colorado.gov/ag or may be obtained by calling 303-869-9004. The proposed rule shall be available for public inspection at the Colorado Department of Agriculture at 305 Interlocken Parkway, Broomfield, Colorado during regular business hours.



Editing comments: Changes to this rule are indicated in ~~strike~~through for removal and underline for additions. If you are able to view this document in color the changes are also indicated in red. Changes as a result of the rulemaking hearing are indicated in blue.

Colorado Department of Agriculture

Animal Industry Division

Bureau of Animal Protection Rules

8 CCR 1201-18

Part 1. Definitions

As used in this document, unless the context otherwise requires:

- 1.1. "Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner ~~or caretaker~~, the person responsible for the animal's care or custody, or any other person having possession of such an animal.
- 1.2. "Animal" means any living dumb creature.
- ~~1.3. "Animal Protection Act" means the article describing the scope of, agents responsible for enforcement of, and conditions that elicit animal protection in the Colorado Revised Statutes § 35-42-101, C.R.S. et seq.~~
- ~~1.4. "Assessment" means to make an on-site determination of: whether an animal is confined without an adequate supply of food and water and may be mistreated, neglected, or abandoned or whether an animal is the subject of Cruelty to Animals.~~
- ~~1.5. "Assist" means to work under the direction and authority of law enforcement.~~
- 1.36. "Commissioned agent" or "agent" means an agent of the Bureau of Animal Protection approved by the Colorado Agricultural Commission and appointed by the Commissioner.
 - 1.36.1. "Non-profit agent" means a commissioned agent of the Bureau of Animal Protection who is employed by a Colorado non-profit agency.
 - 1.36.2. "Municipal agent" means a commissioned agent of the Bureau of Animal Protection who is employed by a county, city, or other municipal organization.
 - 1.36.3. "Law enforcement agent" means a commissioned agent of the Bureau of Animal Protection who is employed by a law enforcement agency and whose employment relationship defines the scope of the agent's law-enforcement authorities.
 - 1.36.4. "Colorado Department of Agriculture agent" means an agent of the Bureau of Animal Protection who is employed by the department's Division of Animal Health or the Division of Brand Inspection~~Colorado Department of Agriculture.~~
- 1.47. "Commissioner" means the Colorado Commissioner of Agriculture or his or her designee.
- 1.58. "Companion ~~or Domestic~~ Animal" means domestic dogs, domestic cats, small pet birds, and other non-livestock species.

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- ~~1.9. "Criminal investigation" means a fact-finding process that follows an initial assessment and that is for the purpose of gathering evidence to support a criminal charge for cruelty to animals or neglect, mistreatment, or abandonment of an animal which fact-finding process occurs pursuant to the authority of and at the direction of law enforcement.~~
- 1.610. "Cruelty to Animals" means criminal offenses ~~actions against an animal, including but not limited to subjecting an animal to: knowing, reckless, or criminally negligent mistreatment or neglect; intentional abandonment; or knowing, reckless, or criminally negligent torture, needless mutilation, or needless death, as set forth in part 2 of article 9 of title 18, C.R.S.~~ the Colorado Revised Statutes at § 18-9-201, C.R.S. et seq.
- ~~1.11. "Dangerous Dog" means any dog that:~~
- ~~1.11.1. Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal, or livestock; or~~
- ~~1.11.2. Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal or livestock; or~~
- ~~1.11.3. Is trained or used for animal fighting.~~
- 1.742. "Department" means the Colorado Department of Agriculture.
- 1.8. "Euthanasia: means to produce a humane death by techniques accepted by the American Veterinary Medical Association as defined at section 18-9-201(2.7), C.R.S.
- ~~1.13. "Inspection" means a fact-finding process that follows an initial assessment, undertaken when the initial assessment yields concerns that an animal may be the subject of Cruelty to Animals or that an animal may be the subject of neglect, mistreatment, or abandonment. Inspection may include interviewing, visual observations, and taking photographs.~~
- 1.914. "Investigation" means a fact-finding process to that follows an initial assessment for the purpose of gathering evidence to support a criminal charge ~~offer~~ cruelty to animals, or neglect, mistreatment, or abandonment of an animal or to support a civil charge for neglect, mistreatment, or abandonment of an animal.
- ~~1.15. "Law enforcement" means a fully P.O.S.T.-certified peace officer, within their jurisdiction. "Law enforcement" includes but is not limited to a sheriff, undersheriff, or deputy sheriff; a police officer; a town marshal or deputy town marshal; a Colorado State Trooper; or a Colorado Bureau of Investigation agent.~~
- ~~1.16. "Law enforcement agency" means any agency of the state or its political subdivisions that is responsible for enforcing the laws of this state. "Law enforcement agency" includes but is not limited to any police department, sheriff's department, and the district attorney's office.~~
- 1.107. "Livestock" means cattle, swine, sheep, goats, and such horses, mules, asses, and other animals used in the farm or ranch production of food, fiber, or other products defined by the Commissioner as agricultural products.

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1.118. "Mistreat~~Mistreatment~~" means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

1.129. "Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with species, breed, and type of animal.

~~1.20. "Site" means the location of an animal.~~

~~1.21. "Statistics" means each commissioned agent's number of animal assessments (as set forth in this Rule), the number of dogs seized and impounded as a result of an agent's issuing a summons and complaint for a charge of Unlawful Ownership of a Dangerous Dog, and the number of all summonses issued on a monthly basis.~~

~~1.22. "Unlawful Ownership of a Dangerous Dog" means owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a dangerous dog.~~

Part 2. Agent Authorities~~Process and Procedures~~

2.1. Civil Investigations, Allegations of Mistreatment, Abandonment, or Neglect

2.1.1. An agent may gather evidence, including interviewing witnesses, to establish the probable cause necessary to support an allegation that a person has committed a civil violation of mistreatment, neglect, or abandonment of an animal in any circumstance so that the animal's life or health is in danger. If necessary, the Commissioner may authorize an agent, in conjunction with the Department of Agriculture and the Office of the Attorney General, to obtain an administrative search warrant.

2.1.2. Of the four classifications of commissioned agents defined above in Part 1.3, the authority to investigate an allegation that any person has committed a civil violation of mistreatment, neglect, or abandonment of any livestock in any circumstance so that the livestock's life or health is in danger is restricted to Colorado Department of Agriculture agents as well as law enforcement agents employed by a sheriff and within their jurisdiction.

2.2. Criminal Investigations, Summons and Complaints, Misdemeanor Cruelty to Animals

2.2.1. An agent may issue a criminal summons and complaint to enforce the provisions of part 2 of article 9 of title 18 as granted peace officers under section 16-2-104, C.R.S., which provides, "A summons and complaint may be issued by a peace officer for an offense constituting a misdemeanor or a petty offense committed in his presence or, if not committed in his presence, which he has probable cause to believe was committed and has probable cause to believe was committed by the person charged." Section 16-2-104, C.R.S.

2.2.2. To establish the probable cause necessary to issue a summons and complaint for an alleged misdemeanor violation of cruelty to animals, an agent may gather necessary evidence, including interviewing witnesses, except when gathering evidence would require the execution of a criminal search warrant. An agent may not execute a criminal search warrant.

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2.2.3. Of the four classifications of commissioned agents defined above in Part 1.3, the authority to investigate alleged criminal offenses of animal cruelty involving livestock is restricted to Colorado Department of Agriculture agents as well as law enforcement agents employed by a sheriff and within their jurisdiction.

2.3. Provide Adequate Food and Water to Confined Animals

If any animal is found to be confined without adequate food and water, an agent may as necessary enter into any and upon any area or building where such animal is confined and supply it with adequate food and water.

2.3.1. Such entry by an agent shall not be made into any building which is a person's residence.

2.3.2. The agent must post a Notice of Entry and Care at an entrance to or at a conspicuous place upon such area or building where such animal is confined.

2.3.3. In the case of a companion animal, if such animal is not cared for by a person other than an agent or officer of the bureau or a peace officer or veterinarian within seventy-two hours of the posting a Notice of Entry and Care, such animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.

2.3.3.1. An agent may refer this circumstance of abandonment to the commissioner's designee for potential civil proceedings; or,

2.3.3.2. An agent may issue a criminal summons and complaint for a misdemeanor cruelty to animals offense.

2.4. Lawful Interference to prevent mistreatment, neglect, abandonment or cruelty

An agent may lawfully interfere to prevent the perpetration of an act of mistreatment, neglect, abandonment, or cruelty, pursuant to part 2 of article 9 of title 18, C.R.S., which act occurs in his or her presence.

2.5. Euthanasia

Any agent may lawfully euthanize or cause to be euthanized any animal in his or her charge when, in the judgment of such agent, and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery. In the event a licensed veterinarian is not available, the animal may be euthanized by an agent if, by the written certificate of two persons, one of whom may be selected by the owner if the owner so requests, called to view the animal in the presence of the agent, the animal appears to be severely injured past recovery, severely disabled past recovery, severely diseased past recovery, or unfit for any useful purpose.

~~2.1. Assessment. A Commissioned Agent may conduct an assessment at a site when the Commissioned Agent learns, whether by complaint or by tip or by direct contact with Department personnel, that an animal may be confined without an adequate supply of food or water, that an animal may be the subject of mistreatment, neglect, or abandonment, or that an animal may be the subject of Cruelty to Animals.~~

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~~2.1.1. Inadequate supply of food and water. A Commissioned Agent who finds an animal confined without an adequate supply of food and water may enter into the location where the animal is confined and provide it with food and water.~~

~~2.1.1.1. No Commissioned Agent may enter into a person's private residence.~~

~~2.1.1.2. A Commissioned Agent who enters into property to provide food and water to an animal confined without an adequate supply of food and water shall post notification of said entry at an entrance to or at a conspicuous place upon such area or building where such animal is confined.~~

~~2.1.1.3. In the case of companion animals, if such animal is not cared for by a person other than the Commissioned Agent or other peace officer or a veterinarian within 72 hours of the posting of the notification, such companion animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.~~

~~2.1.1.4. After consultation with the Department, and upon direction and approval from the Department, a Commissioned Agent may take charge of any companion animal presumed to have been abandoned pursuant to this section.~~

~~2.2. Inspection.~~

~~2.2.1. Mistreatment, Neglect, or Abandonment: Companion Animal. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject of mistreatment, neglect, or abandonment, may perform the following actions without the assistance of law enforcement:~~

~~2.2.1.1. Interview the companion animal's owners or caretakers;~~

~~2.2.1.2. Interview any witnesses who may have information related to the alleged mistreatment, neglect, or abandonment;~~

~~2.2.1.3. Visually observe the companion animal if such visual observation can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such companion animal is confined without adequate food or water.~~

~~2.2.1.4. Take any photographs necessary to aid the agent with recollection of the alleged mistreatment, neglect, or abandonment.~~

~~2.2.1.5. Issue a summons and complaint to the owner, caretaker, or other person who has possession of the companion animal.~~

~~2.2.1.6. Contact the Colorado Department of Agriculture if the agent has reasonable cause to believe that the animal has been mistreated, neglected, or abandoned so that the animal's life or health is endangered, and that the person in control of the animal is unable to adequately provide for the animal and is not a fit person to own the animal.~~

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~~2.2.2. Mistreatment, Neglect, or Abandonment: Livestock. A Commissioned Agent, whose assessment gives the Commissioned Agent reasonable grounds to believe that livestock is the subject of mistreatment, neglect, or abandonment, may perform the following actions without the assistance of law enforcement:~~

~~2.2.2.1. Interview the livestock's owners or caretakers;~~

~~2.2.2.2. Interview any witnesses who may have information related to the alleged mistreatment, neglect, or abandonment;~~

~~2.2.2.3. Visually observe the livestock if such visual observation can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such livestock is confined without adequate food or water.~~

~~2.2.2.4. Take any photographs necessary to aid the Commissioned Agent with recollection of the alleged mistreatment, neglect, or abandonment.~~

~~2.2.2.5. Contact law enforcement to proceed with criminal investigation pursuant to the direction and under the authority of law enforcement.~~

~~2.2.2.6. Contact the Colorado Department of Agriculture if the agent has reasonable cause to believe that the animal has been mistreated, neglected, or abandoned so that the animal's life or health is endangered, and that the person in control of the animal is unable to adequately provide for the animal and is not a fit person to own the animal.~~

~~2.2.3. Cruelty to Animals: Companion Animal. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject of Cruelty to Animals, may perform the following actions without the assistance of law enforcement:~~

~~2.2.3.1. Interview the companion animal's owners or caretakers;~~

~~2.2.3.2. Interview any witnesses who may have information related to the alleged Cruelty to Animals;~~

~~2.2.3.3. Visually inspect the companion animal if such visual inspection can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such companion animal is confined without adequate food or water.~~

~~2.2.3.4. Take any photographs necessary to aid the agent with recollection of the alleged Cruelty to Animals.~~

~~2.2.3.5. Issue a summons and complaint to the owner, caretaker, or other person who has possession of the companion animal.~~

~~2.2.3.6. Contact law enforcement to proceed with criminal investigation pursuant to the direction and under the authority of law enforcement.~~

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~~2.2.4.—Cruelty to Animals: Livestock. A Commissioned Agent, whose assessment gives the Agent reasonable grounds to believe that livestock is the subject of Cruelty to Animals, may perform the following actions without the assistance of law enforcement:~~

~~2.2.4.1. Interview the livestock's owners or caretakers;~~

~~2.2.4.2. Interview any witnesses who may have information related to the alleged Cruelty to Animals;~~

~~2.2.4.3. Visually observe the livestock if such visual observation can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such livestock is confined without adequate food or water.~~

~~2.2.4.4. Take any photographs necessary to aid the Commissioned Agent with recollection of the alleged Cruelty to Animals.~~

~~2.2.4.5. Contact law enforcement to proceed with criminal investigation pursuant to the direction and under the authority of law enforcement.~~

~~2.3.—Investigation.~~

~~2.3.1.—Mistreatment, Neglect, or Abandonment: Companion Animal. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject of mistreatment, neglect, or abandonment, may not proceed beyond the inspection outlined in Section 2.2.1, including seizing and impounding the companion animal, without direction from and under the authority of law enforcement or the Department.~~

~~2.3.2.—Mistreatment, Neglect, or Abandonment: Livestock. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that livestock is the subject of mistreatment, neglect, or abandonment, may not proceed beyond the inspection outlined in Section 2.2.2 without direction from and under the authority of law enforcement or the Department.~~

~~2.3.3.—Cruelty to Animals: Companion Animal. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject of Cruelty to Animals, may not proceed beyond the inspection outlined in Section 2.2.3, including seizing and impounding the companion animal, without direction from and under the authority of law enforcement.~~

~~2.3.4.—Cruelty to Animals: Livestock. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that livestock is the subject of Cruelty to Animals, may not proceed beyond the inspection outlined in Section 2.2.4 without direction from and under the authority of law enforcement.~~

~~2.4.—Unlawful Ownership of a Dangerous Dog. A Commissioned Agent, who is acting under the authority of applicable local or county ordinances, may conduct an investigation of an allegation of unlawful ownership of a dangerous dog.~~

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~~2.4.1.—Summons and Complaint: Where reasonable grounds exist to believe that a person has committed the unlawful ownership of a dangerous dog, a Commissioned Agent may issue to the owner or caretaker of that dog a summons and complaint for an alleged violation of § 18-9-204.5, C.R.S. Unlawful Ownership of a Dangerous Dog.~~

~~2.4.2.—Seize and Impound: Where a Commissioned Agent has issued a summons and complaint for an alleged violation of § 18-9-204.5, C.R.S. Unlawful Ownership of a Dangerous Dog, that Commissioned Agent may take the dog into custody and place it into a public animal shelter.~~

~~2.4.3.—Warrant: Where a Commissioned Agent has issued a summons and complaint for an alleged violation of § 18-9-204.5, C.R.S. Unlawful Ownership of a Dangerous Dog, and where the owner or caretaker or other person in possession of the dog refuses to permit the agent to seize and impound the dog, the agent may contact law enforcement for assistance with obtaining and executing a search warrant to seize the dog.~~

Part 3. Agent Training Requirements

In addition to the applicable requirements set forth in section§ 35-42-107 C.R.S., each applicant must satisfy the ~~se training and experience~~ requirements ~~as~~ set forth below to be eligible to receive a commission, unless the Commissioner determines that an applicant's experience and training constitute equivalent qualification for a commission.

- 3.1. 40 hours of prior training, to include:
 - 3.1.1. Legal authority for investigations to include the constitutional rights of property owners, assessments, and inspections ~~(this can include but does not require evidence collection and chain of custody)~~;
 - 3.1.2. Animal care, behavior, and handling;
 - 3.1.3. Occupational safety;
 - 3.1.4. Crisis intervention and conflict resolution;
 - 3.1.5. Report writing;
 - 3.1.6. Professionalism and ethics;
 - 3.1.7. Animal husbandry and body condition scoring; and
 - 3.1.8. Optional training, which may include but is not limited to:
 - 3.1.8.1. Cost of Care;
 - 3.1.8.2. Evidence collection and chain of custody;
 - 3.1.8.3. Courtroom preparation; and
 - 3.1.8.4. Cross reporting.

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3.2. Equine endorsement: anyone who desires an equine endorsement must complete a minimum of 8 hours of equine husbandry and body condition scoring training.

3.32. Training provided by the Colorado Department of Agriculture, to include, at a minimum:

3.32.1. Colorado ~~l~~aws including Colorado Revised Statutes Titles 18 and 35;

3.32.2. An Agent's sScope and range of authority; and

3.32.3. Bureau of Animal Protection Rules 8 CCR 1201-4218.

3.43. One year of experience in regulatory or code enforcement, animal care and control, or animal cruelty Investigations.

Part 4. Continuing Education, Terms of Commissions and of Renewals, and Revocation

4.1. Continuing Education: 32 hours of continuing education and training ~~must~~shall be completed every 2 years.

4.1.1. An agent's two year continuing education accrual cycle that includes the calendar year 2020 is extended by one year.

4.1.24. Continuing education course information must be submitted to the Colorado Department of Agriculture for approval and must be submitted and approved prior to a training course being offered as continuing education.

4.1.32. No training course submitted for approval will be considered valid until it receives the Commissioner's approval. A wide variety of training falls within the scope of BAP agent authority, and will be considered by the Commissioner.

4.2. Term of Commission: Each commission shall remain valid for the period of one calendar year from the date it is issued unless revoked by the Commissioner prior to expiration.

4.3. Renewal of Commission: A commissioned agent who desires to continue as a commissioned agent must apply for renewal annually, providing with such application for renewal, at a minimum:

4.3.1. Employment Information: Current employer name, address, phone, category, and supervisor information;

4.3.2. Continuing Education: Evidence of completed, approved, continuing education credits, if applicable;

4.3.3. Statistics: Fully submitted statistics for the agent's previous year's activities; and

4.3.4. Additional Requirements of Commissioner: Any additional requirements or information that the Commissioner may request must be provided.

4.3.5. Term of Renewal: Recommissioned agents will be recommissioned for one year, subject to any subsequent determination by the Commissioner to revoke an agent's commission.

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- 4.4. ~~Change or Termination of Employment~~Suspension or Revocation of Commission: The Commissioner may suspend or revoke a commissioned agent's commission at the Commissioner's discretion.
- 4.4.1. Any agent who changes employers and who desires that his or her commission continue to the new employer must, within 14 days of the change of employment, update the Commissioner with: 1) the date of the change of employment; 2) the name of the new employer; 3) a copy of the certificate of liability insurance if the agent is moving to a non-profit agency; 4) a letter from the new employer affirming that the agent is authorized to act as a commissioned agent for the new employer; and 5) any other information as identified by the Commissioner in a change-of-employment form.
- 4.4.2. Any agent who terminates his or her employment and who does not transition to a different employer with the authority to employ commissioned agents may request that the Commissioner place the agent's commission in an inactive status for the remainder of the unexpired term of the agent's commission.
- 4.4.3. The Commissioner may reinstate the commission of any agent who requested that his or her commission be placed in an inactive status and whose commission has not yet expired if such agent accepts employment with an employer authorized to employ commissioned agents.
- 4.4.4. In no circumstance may the Commissioner renew an agent's inactive commission.
- 4.4.5. The Commissioner may revoke the commission of any agent who does not report to the Commissioner such change in employment within 14 days.
- 4.4.6. The Commissioner may deny a request that a commission be placed in an inactive status if the agent does not make such request within 14 days of leaving the employ of an employer authorized to employ commissioned agents.

Part 5. Statistics and Reporting

- 5.1.4. ~~Each agency must designate a~~At least one representative~~from each agency shall be designated~~ to submit statistics to the Bureau of Animal Protection.
- 5.4.2. Statistics for each commissioned agent ~~must~~shall be compiled and reported as part of the agency statistics.
- 5.4.3. Statistics for any given month ~~are~~shall be due on the 15th day of each ~~subsequent~~consecutive month.
- 5.4.4. Statistics to be reported for the month ~~must~~shall include:
- 5.4.1. Total number of investigations conducted pursuant to Parts 2.1 and 2.2 above;
- 5.4.2. Total number of summons and complaints issued for a misdemeanor violation of part 2 of article 9 of title 18;
- 5.4.3. Total number of investigations conducted for a charge of Unlawful Ownership of Dangerous Dog;

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~~5.4.4. Total number of summons and complaints issued for a charge of Unlawful Ownership of Dangerous Dog;~~

~~5.4.5. Total number of dogs seized and impounded as a result of an agent's issuing a summons and complaint for a charge of Unlawful Ownership of Dangerous Dog;~~

~~5.4.6. Total number of premises an agent or agents entered to supply any animal or animals with adequate food or water; and~~

~~5.4.7. Total number of entries described in 5.4.6 in which the agent or agents entered to supply livestock with adequate food and water.~~

~~5.1.4.1. Total number of companion animals for which an agent conducted an assessment per authority provided by the Commissioner;~~

~~5.1.4.2. Total number of livestock animals for which an agent conducted an assessment per authority provided by the Commissioner;~~

~~5.1.4.3. Total number of dogs seized and impounded as a result of an agent issuing a summons and complaint for a charge of Unlawful Ownership of a Dangerous Dog; and~~

~~5.1.4.4. Total number of summonses issued per authority provided by the Commissioner.~~

Parts 6-8. Reserved

Part 9. Statements of Basis, Specific Statutory Authority and Purpose

9.1. Adopted April 4, 2003 – Effective June 30, 2003

The Colorado State Agricultural Commission adopts these rules pursuant to Section C.R.S. 35-42-106.

The purpose of rule 1 is to inform the State Veterinarian's Office before any animal is impounded, and to protect the owner from having his animal(s) unnecessarily impounded, or to require an owner to post bond for an unnecessary impoundment.

The purpose of rule 2 is to have minimum education/experience requirements for BAP commission applicants.

The purpose of rule 3 is to provide choices in disciplinary action, other than commission revocation, for any problem that may arise regarding legal authority.

9.2. Adopted March 5, 2007 – Effective May 1, 2007

The Commissioner of Agriculture adopts these rules pursuant to § 35-42-106, C.R.S.

The purpose of rule 4 is to establish reporting requirements to aid the Bureau of Animal Protection in compiling accurate statistics to be reported to the Commissioner of Agriculture and other entities as requested. These statistics reflect work done by all agents of the Bureau as commissioned law enforcement officers as defined in § 35-42-107, C.R.S.

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9.3. Adopted November 9, 2016- Effective December 30, 2016

The Commissioner of Agriculture adopts these Rules pursuant to the authorities located at § 35-42-106, C.R.S.

The purpose of these Rules is to identify and articulate the Commissioner's authority with regard to administration of the Animal Protection Act. This Rule establishes how the Commissioner's authority is to be exercised with regard to assessment, inspection, and investigation of companion animals and of livestock. This Rule further establishes the processes and procedures in place for such inspections and investigations related to potential violations of the Animal Protection Act. Additionally, this Rule sets forth the training requirements and continuing education for individuals who desire to be agents and who are currently agents of the Bureau of Animal Protection. Finally, this Rule establishes the statistics that the Commissioner requires be kept with regard to enforcement of this Animal Protection Act and the manner by which those statistics must be reported to the Commissioner.

The Rules previously adopted pursuant to the Animal Protection Act had not been revised or updated since 2007. This rule-making completely replaces those Rules with updated, more user-friendly, and expanded Rules for enforcement of the Animal Protection Act.

9.4. Adopted April 11, 2018 – Effective May 30, 2018

The Commissioner of Agriculture adopts these Rules pursuant to the authorities located at §35-42-106, C.R.S.

The purpose of this Rule is to make the statistics required for submission by Part 5 consistent with the definition of statistics as set forth in Part 1. This remedy not only streamlines reporting, but will more accurately capture how each unique agency utilizes the Commissioner's authority. In addition, because there is no substantive need for agents to return expired BAP commission cards to CDA that requirement is eliminated.

9.5. Adopted November 11, 2020 – Effective December 30, 2020

The Commissioner of Agriculture adopts these Rules pursuant to the authorities located at §35-42-106, C.R.S.

The purpose of this rulemaking is to update the rule and to harmonize it with statutory amendments made to section 35-42-107(4), C.R.S., during the 2020 legislative session (SB 20-104).

The changes to the rule define the investigative authorities of commissioned agents and remove distinctions related to inspections and assessments that had become unnecessary. The revisions to the rule remove unnecessary definitions, highlight the primary authorities of commissioned agents, distinguish which agents may investigate cases related to livestock consistent with the statutory restrictions, and clarify investigative authorities. Because revisions to 35-42-107(4), C.R.S., clarify that commissioned agents may investigate and issue misdemeanor summons and complaints to enforce the provisions of 18-9-201, et seq., the Department removed reference to unlawful ownership of a dangerous dog to avoid any appearance that the Department was selecting or limiting what provisions of 18-9-201, et seq., the agents could investigate for purposes of issuing misdemeanor summons and complaints.

Editing comments: Changes to this rule are indicated in ~~strike~~through for removal and underline for additions. If you are able to view this document in color the changes are also indicated in red. Changes as a result of the rulemaking hearing are indicated in blue.

The agency has also adjusted the statistics that the Commissioner will require agencies that employ agents report to the Commissioner. The revised statistics will inform the Commissioner's understanding of the work BAP agents are doing in the field as agents of the Commissioner. In addition, this rule now identifies specific training necessary for an agent to receive an equine endorsement.

Changes to this rule provide specificity related to the Commissioner's authority to place a commission in an inactive status, to reinstate a commission, and to revoke a commission should an agent fail to update the Commissioner with information related to a change in employment. Finally, due to limited training opportunities during the 2020 calendar year as a result of COVID-19, this Rule exempts the 2020 calendar year from an agent's two-year continuing education accrual cycle.