



NOTICE OF PUBLIC RULEMAKING HEARING

FOR AMENDMENTS TO

“Rules Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act”

8 CCR 1202-15, Parts 2.5 and 25.8

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

DATE: August 24, 2021
TIME: 1:00 pm
LOCATION: This hearing will be held via [Zoom](#)
CALL INFORMATION: 1-253-215-8782
MEETING ID: 832 3645 0296
PASSCODE: t2SDAj

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 these proposed rule revisions to subsection 2.5 are to add qualifying and continuing education as an additional requirement for licensure.

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

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



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.

DEPARTMENT OF AGRICULTURE

Inspection and Consumer Services Division

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

8 CCR 1202-15

Part 2. Application for Licensure and Conditions for Licensure

- 2.1. The 12 month-license period commences on March 1. An application for a renewal of licensure must be received in the Commissioner's office on or before March 1st the year following the year the license was issued.
- 2.2. Any person seeking a new license or a change or addition of a license category must apply for the change on a form furnished by the Commissioner. The applicant shall provide all information requested on the form, including, but not limited to, a valid mailing address where the applicant may be contacted and a valid premises address where animals, animal facilities, and records are located. All premises, facilities, or sites where an applicant operates or keeps animals must be shown on the application form. The application must be filed with the Commissioner and must be accompanied by the appropriate fee.
- 2.3. Temporary pet animal facilities must identify themselves as such on an application for licensure as a pet animal facility and provide a street address for each place or premises where they will keep or transfer pet animals.
- 2.4. Each separate physical facility that operates a pet care facility must obtain a separate license.
- 2.5. The Commissioner may issue a license to any applicant who has met all the requirements of PACFA, including but not limited to completing all education requirements, paying all the required annual license fees, and passing the application inspection or routine inspection, except as set forth in § 35-80-112 and 112.5, C.R.S., and Part 9 below.
 - 2.5.1 In addition to all other requirements for licensure, an applicant for a pet animal facility license must successfully complete the required qualifying education course, as prescribed by the Commissioner. Proof of course completion is required prior to license approval.
 - 2.5.2 A licensed pet animal facility must successfully complete a continuing education course, as prescribed by the Commissioner, at least once during the span of two (2) 12-month license periods after the first initial license period has expired. Proof of course completion is required prior to license renewal.
 - 2.5.3 A pet animal facility licensed prior to October 30, 2021 is required to take the qualifying education course to satisfy the continuing education requirement in Part 2.5.2 by a date prescribed by the Commissioner.
- 2.6. Any facility or person who houses or transfers, as set forth below, more animals than the limits set forth in this Part must have a license to operate a pet animal care facility. Specific licensing thresholds by species:

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- 2.6.1. The thresholds for small animal and reptile/amphibian (herptile) breeders are:
 - 2.6.1.1. Rat, mouse, gerbil, and hamster breeders: produce, house, or transfer more than 200 of any combination of these small mammals per year.
 - 2.6.1.2. Rabbit and guinea pig breeders: produce, house, or transfer more than 65 of any combination of these small mammals per year.
 - 2.6.1.3. Hedgehog, chinchilla, ferret, and sugar glider breeders: produce, house, or transfer more than 24 of any combination of these small mammals per year.
 - 2.6.1.4. Snake breeders: produce, house or transfer more than 400 of any combination of these herptiles per year.
 - 2.6.1.5. Lizard and gecko breeders: produce, house or transfer more than 300 of any combination of these herptiles per year.
 - 2.6.1.6. Turtle and tortoise breeders: produce, house or transfer more than 200 of any combination of these herptiles per year.
 - 2.6.1.7. Amphibian breeders: produce, house or transfer more than 900 of any combination of these herptiles per year.
- 2.6.2. The threshold for shelter of dogs and cats or any combination of these pet animals: more than 24 transfers per year or more than 15 housed in a central facility.
- 2.6.3. The threshold for shelter or rescue of birds: more than 30 transfers per year or more than 30 housed in a central facility.
- 2.6.4. The threshold for shelter or rescue of ferrets, hedgehogs, chinchillas, and sugar gliders or any combination of these pet animals: more than 24 transfers per year or more than 24 housed in a central facility.
- 2.6.5. The threshold for shelter or rescue of rabbits and guinea pigs or any combination of these pet animals: more than 65 transfers or more than 65 housed in a central facility more than of any combination of these pet animals per year.
- 2.6.6. The threshold for shelter or rescue of mice and rats: more than 200 rats, mice or gerbils housed in a central facility.
- 2.6.7. The threshold for shelter of multiple species in aggregate is more than 50% of the threshold for breeder or shelter definition of 3 or more species housed in a central facility.
- 2.7. Pet animal grooming licensure conditions and exceptions.
 - 2.7.1. Any licensed groomer may groom as an independent contractor at up to 3 PACFA-licensed grooming facilities with the same groomer license. On the application for licensure, such groomers shall identify themselves as such and shall provide a facility name and street address for each premises at which they groom pet animals. Any groomer who adds or removes a location or premises from which or at which he or she intends to groom shall notify the Department of any change within 15 days of such change.

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- 2.7.2. Persons providing any of the following services exclusively do not require licensure with PACFA: dog and cat nail trims, pet animal oral hygiene, pet animal ear cleaning, or pet animal anal gland expression.
- 2.8. A retail pet animal dealership may submit a written request to the commissioner for an exemption to purchase animals from an unlicensed individual on a wholesale basis. Such exemption shall be granted at the sole discretion of the commissioner, and must be obtained before any purchase is made. Each purchase of an animal shall require a separate exemption. Any such submission must demonstrate adequate provisions and safeguards to protect the health and safety of the public and the animals in the facility.

Part 25. Statements of Basis, Specific Statutory Authority and Purpose

25.8. Adopted September 8, 2021 – Effective October 30, 2021

Statutory Authority:

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

Purpose:

The Purpose of the rulemaking is to add qualifying and continuing education as an additional requirement for licensure found in subsection 2.5.

Factual Policy and Issues:

Many regulated professions that serve the general public require a level of qualifying and continuing education as a condition to licensure. Educational requirements for licensed professionals maintain a basic level of competency and establish consistent standards within the profession. Under Title 35, Article 80 of the Colorado Revised Statutes, the Commissioner has the authority to establish qualifications of any applicant for licensure and the ability to issue and renew any license based on established requirements. By incorporating qualifying and continuing education, licensees will have a better understanding of the regulatory requirements, industry standards, and best practices related to animal care; thereby, increasing compliance and improving the health and safety of pet animals throughout the state.