Colorado DEpartment of agriculture

Inspection & Consumer Services Division

rules pertaining to the administration and enforcement of the pet animal care and facilties act

8 CCR 1202-15

Part 1. Definitions and Abbreviations

1.1. ”Behavioral-control device” means any apparatus used to control a pet animal’s behavior.

1.2. “Building” means any structure that has a roof and walls especially a permanent structure. It can be any structure that is designed or intended for support, enclosure, shelter or protection of persons, animals or property having a permanent roof that is supported by columns or walls.

1.3. ”Cleaning” means mechanical removal of organic matter and waste through application of soap, detergent, or other cleaning agent followed by rinsing of all surfaces with clean water.

1.4. “Commissioner” means the Colorado Commissioner of Agriculture or the Commissioner’s designee.

1.5. “Commingle” means combine animals from different owners in a common area or enclosure.

1.6. “Common area” means play yards or areas where dogs are commingled for exercise or social interaction.

1.7. ”Crate” means an enclosure that, at a minimum, permits normal postural movement and allows the animal to stand, turn around, and lie down in a manner that is specific to the species held within the enclosure.

1.8. “Department” means the Colorado Department of Agriculture.

1.9. “Facility” means all buildings, yards, pens, and other areas, or any portion thereof, at a single location in which any animal is kept, handled, or transported for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading, or otherwise transferring animals.

1.9.1. “Animal rescue” means any firm, person, or corporation that accepts pet animals for the purpose of finding permanent adoptive homes for these animals and does not maintain a central facility for keeping animals.

1.9.2. “Animal sanctuary facility” means a sub-classification of “animal shelter,” is any private facility that harbors pet animals, that is not used for impoundment

purposes, and that is used exclusively for the purpose of caring for or housing pet animals indefinitely.

1.9.3. “Animal shelter facility” means any firm, person, or corporation, whether public or private, that houses pet animals for impoundment purposes; or a centralized, private facility that accepts or houses pet animals and whose facilities are self-contained and used exclusively for the purpose of caring for and housing pet animals according to these Rules.

1.9.4. “Bird breeder facility” means any firm, person, or corporation engaged in the operation of breeding and raising birds that produces or transfers more than 30 birds per 12-month period.

1.9.5. “Boarding/training facility” means any firm, person, or corporation that cares for, houses, or trains pet animals in the absence of the owner, or such owner's designee, and receives compensation for said services or correctional facility pet animal training programs regardless of compensation.

1.9.6. “Cat breeder facility” means any firm, person, or corporation that is engaged in the operation of breeding and raising cats and that produces more than three litters of kittens or transfers more than 24 cats per 12-month period.

1.9.7. “Dog breeder facility” means any firm, person, or corporation that is engaged in the operation of breeding and raising dogs and that produces more than two litters of puppies or transfers more than 24 dogs per 12-month period.

1.9.8. “Groomer” means any person engaged in the operation of changing the physical appearance of the skin, coat, hair, or feathers of pet animals at a licensed pet animal groomer facility for compensation.

1.9.9. “Groomer facility” means any permanent or mobile establishment where a person pays a fee to have his pet animal’s skin, coat, hair, or feathers cleaned, styled, or maintained or where a person pays to have his animal’s physical appearance changed.

1.9.10. “Pet transporter” means any firm, person, or corporation that accepts pet animals for transportation or relocation for the purpose of adoption, rescue, selling, harboring, sheltering, trading, or otherwise transferring from one location to another.

1.9.11. “Pet handler” means a firm, person, or corporation that does not maintain a central permanent facility for the purposes of training or housing dogs but that maintains a mobile or temporary facility for the purposes of transporting or training a pet in the absence of the owner and receives compensation for his services.

1.9.12. “Pet animal dealership” means any place or premises used in whole or part, whether on a permanent or temporary basis, for the sole or exclusive purpose of either wholesale commerce or retail sale, trading, bartering, or otherwise transferring pet animals to the public.

1.9.13. “Reptile/Amphibiam (Herptile) breeder facility” means any firm, person, or corporation that is engaged in the operation of breeding and raising reptiles/amphibians (herptiles) and that produces or transfers more reptiles/amphibians (herptiles) than the maximum number established by the Commissioner by Rule for each particular species.

1.9.14. “Retail aquarium only pet animal facility” means any place that trades, sells, barters, or otherwise transfers fish, hermit crabs, or aquatic pet animals to the public.

1.9.15. “Small animal breeder facility” means any firm, person, or corporation that is engaged in the operation of breeding and raising small mammals and produces or transfers more small mammals than the maximum number established by the Commissioner by Rule for each particular species.

1.10. “Enclosure” means any location within a facility where a pet animal is housed primarily for the purpose of eating and sleeping, which is not a common area used for exercise or social interaction.

1.11. “Foster dam” means a lactating female animal placed with unweaned animals of similar species for the purpose of nutritional support.

1.12. “Foster home” means a site that, through a written agreement with a licensed shelter or rescue facility, provides care for pet animals that are otherwise the responsibility of the shelter or rescue.

1.13. “Indoor” means the area or space inside a building.

1.14. “Infirm” means not physically or mentally strong, especially through age or illness.

1.15. “Isolation” means the separation, for the period of communicability, of infected animals from others in such place and under such conditions to prevent the direct or indirect transmission of the infectious agent from those infected to those that are susceptible or that may spread the agent to others.

1.16. “Isolation area” means a location where animals infected with disease may be placed to contain, control, and limit the spread of the disease.

1.17. “Isolation room” means an isolation area enclosed with walls that reach ceiling to floor, a ceiling, and door, having separate ventilation to the outside.

1.18. “Nonhuman primate” means all animals in the families lemuridae, indriidae, daubentoniidae, lorisidae, tarsiidae, cebidae, callithricidae, cercopithecidae, and pongidae.

1.19. “Outdoors” means in or into the open air; outside a building or shelter.

1.20. “PACFA” means the Pet Animal Care and Facilities Act, §§ 35-80-101 through 117, C.R.S.

1.21. “Pool” means a man-made structure used to hold water that uses a filtration system and is chemically treated, or in which the water is changed as needed, to maintain adequate cleanliness.

1.22. “Research institute” means a governmental or private institution that uses or intends to use live animals in research, tests, or experiments for scientific investigation or in a systematic search for facts.

1.23. “Sink” means a wide bowl that has a faucet for water and a drain at the bottom and is usually positioned in a counter or on a pedestal.

1.24. “Surgery” means the act of incising living tissue; an operative procedure.

1.25. “Temporary facility” means any pet animal facility operating only as a temporary sales or adoption site.

1.26. “Temporary single retail event” means a show or exhibit held once in a calendar year for a maximum of 48 hours, where animals are sold from a single temporary location.

1.27. “Tether” means to restrain a pet animal by tying the pet animal to any object or structure, by any means, including, but not limited to, a chain, rope, cord, leash, or running line. Tether does not include using a leash to walk a dog.

1.28. “Transfer” means adopt, sell, give away, trade, barter, exchange, return, or any other conveyance of ownership of a pet animal.

1.29. “Water-resistant” means that which repels water.

1.30. “Zoological park” means a facility accredited by the American Zoo and Aquarium Association or licensed as a zoological park pursuant to § 33-4-102(13)(a), C.R.S., as amended.

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.

2.2.1. Detailed plans and specifications may be submitted to the Department for each new application for licensure, any change or addition of a license category, or any remodel of any animal housing area of any animal facility.

2.2.2. Plans for remodeling of an existing facility must show an outline of the facility. In any such plans, only the portions being remodeled need to be detailed. Plans pertaining only to plumbing or electrical upgrades do not require a plan submission.

2.3. Plan Specification Content Requirements

2.3.1. Final plans and specifications if submitted must include (as applicable): a floor plan; a description of the ventilation system and heating and cooling system; plumbing equipment, including sink for hand-washing and container-cleaning and location of backflow preventer; waste-water drainage system; electrical and lighting supply and fixtures; finishes of floors, walls, and ceilings; location, size, and type of indoor and outdoor cages, runs and pens; isolation area; proximity of perimeter protective fence and height of the perimeter fence; location of potable water supply; exterior area lighting; shelter from the elements in outdoor enclosures; food storage and preparation area.

2.3.2. Plans and specifications need not be professionally drawn, provided that the plans accurately depict the intended construction or remodeling and are legible and drawn or sketched to consistent scale with dimensions indicated.

2.3.3. 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.

2.3.4. All final plans, if submitted, and specifications must comply with these Rules and regulations.

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 the requirements of PACFA, paid the required annual license fee, and passed the application inspection or routine inspection, except as set forth in § 35-80-112 and 112.5, C.R.S., and Part 9. below.

2.6. 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:

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.

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.

Part 3. Facility License Requirements

3.1. Each location of a pet animal facility must be separately licensed. The classifications of licensure are: Retail and Wholesale Pet Animal Dealership; Temporary Retail Event; Dog Breeder Facility; Bird Breeder Facility; Cat Breeder Facility; Pet Grooming Facility; Pet Animal Boarding and/or Training Facility; Animal Rescue; Animal Shelter Facility; Reptile/ Amphibian (herptile) breeder facility; Pet Animal Handler; Pet Animal Transporter; and, Small Animal Breeder Facility.

3.2. If a pet animal facility operates under more than one business name from a single location:

3.2.1. No additional pet animal facility license will be required for the different business names;

3.2.2. The pet animal facility operator must maintain separate records for each business name, pursuant to § 35-80-107, C.R.S., and to these regulations; and

3.2.3. The name of each business providing services that are related to those of a pet animal facility must be listed with the Commissioner on the application, in the form and manner designated.

3.2.4. The Commissioner may require that a separate fee be paid for each such business name.

3.3. If a pet animal facility owner operates more than one business from a single location, which businesses would constitute more than one classification of licensure:

3.3.1. The applicant for licensure will pay for the classification that has the highest annual fee and pay an additional fee for each license category.

3.3.2. Each business operated from a single location must comply with all Rules pertaining to each classification of licensure that would correspond to each business operated at the facility.

3.4. Licenses issued pursuant to PACFA and these Rules are not transferable.

3.5. A license issued under PACFA and these Rules is valid unless.

3.5.1. The license has been revoked or suspended pursuant to § 35-80-112, C.R.S., or Part 9. of these Rules;

3.5.2. The license is voluntarily surrendered by written request of the licensee to the Commissioner, and such surrender is accepted by the Commissioner;

3.5.3. The license has expired or has otherwise terminated by operation of law as set forth in § 35-80-106, C.R.S., and these Rules; or

3.5.4. The applicant or licensee failed to pay the license fee or the instrument of

payment was returned by the bank.

3.6. There will be no refund of fees if a license is invalidated for any reason before its expiration.

3.7. All licenses expire each year on March 1. If the renewal application is not postmarked on or before March 1 for the year of renewal, a penalty fee of 10 percent (10%) of such renewal fee will be assessed. No license will be renewed until the renewal fee and any penalty fee are paid. Any person whose license has expired and who has not timely applied for renewal may not conduct any activity for which a license is required by PACFA until all requirements for issuing such license have been met and until a valid license has been duly issued.

3.8. No license that has expired and for which timely renewal has not been made may be reinstated. Any application for reinstatement or renewal after April 1 of the year following the year of issue will be treated as a new application, subject to the procedures required of new applicants for a license, as set forth in Part 2.

3.9. A license that is invalid under PACFA and Part 9 of these Rules must be returned to the Commissioner. If the license cannot be found, the licensee shall provide a written statement to the Commissioner so stating.

3.10. All licenses for psittacine leg bands must be renewed on or before March 1.

3.11. Each holder of a bird leg band number must pay an annual renewal fee on or before March 1 each year.

3.12. Each licensed pet animal facility shall display in a conspicuous place signage that contains contact information for the Colorado Department of Agriculture Pet Animal Care Facilities Program or other appropriate Department subdivision.

Part 4. License Fees

4.1. In addition to a completed application for a license or a license renewal, each applicant or licensee must submit to the Commissioner an annual license fee as set by the Commissioner.

4.2. Any applicant whose check is returned by the bank for any reason will be referred to collections through the state's collections process. An application or renewal that is accompanied by a check that is returned by the bank will be deemed an incomplete application or renewal, and no license will be issued.

4.3. If the license fee for a public animal shelter is overly burdensome, a public animal shelter may petition the Commissioner yearly, at each application, in written form, for the Commissioner to waive said fee.

4.4. The PACFA license fees are:

4.4.1. Aquarium only $350;

4.4.2. Bird Band Fee $17.50;

4.4.3. Cat Breeder $300;

4.4.4. Bird Breeder $200;

4.4.5. Dog Breeder Large Scale Operation $400;

4.4.6. Dog Breeder Small Scale Operation $350;

4.4.7. License category fee for each additional category per application $50;

4.4.8. Pet Animal Rescue $225;

4.4.9. Pet Animal Shelter;

4.4.9.1. Small, 3000 or fewer transfers per year $350;

4.4.9.2. Large, more than 3000 transfers per year $400;

4.4.10. Pet Boarding/Training $400;

4.4.11. Pet Grooming facility $320;

4.4.11.1. Independent contractor pet groomer

4.4.11.2. Self-wash only grooming facility

4.4.12. Pet Handler $175;

4.4.13. Pet Retail/Wholesale $400;

4.4.14. Pet Transporter $225

4.4.15. Reptile/amphibian (herptile) breeder $225

4.4.16. Small Animal Breeder $350;

Part 5. Annual Report by Licensee

In addition to the annual renewal application, the following facilities must also submit an annual report on form(s) furnished by the Commissioner: dog breeder facility, bird breeder facility, cat breeder facility, animal shelter, animal rescue, pet transporter, reptile/amphibian (herptile) breeder facility and small animal breeder facility.

Part 6. Copies of Rules and Regulations

A copy of PACFA and these Rules is available to all applicants, upon request, and at the expense of the applicant.

Part 7. Notification of Change Concerning Licensure Information

A licensee shall promptly notify the Commissioner in writing of any change in the name, address, substantial control or ownership in the operation of the licensed business, or of additional sites, within fifteen (15) days of any such change.

Part 8. Activity by Persons/Facilities Whose Licenses Have Been Suspended or Revoked

8.1. Any person whose license has been suspended or revoked may not conduct any activity for which a license is required by PACFA during the period in which the suspension or revocation is in effect.

8.2. Any person whose license has been suspended may apply in writing to the Commissioner for reinstatement of that person's license.

Part 9. Disciplinary Actions and Denial of Licensure

9.1. A license will not be issued to any applicant who:

9.1.1. Is not in total compliance with PACFA and these Rules and regulations, including payment of fees and any fines.

9.1.1.1. An initial applicant for licensure will be allowed a maximum of three (3) inspections within a time period to be determined by the Commissioner. Failure of these three inspections will result in denial of licensure, requiring the applicant to reapply. The initial license fee will not be returned upon denial of licensure. Any subsequent reapplication must be accompanied with the proper license fee.

9.1.1.2. An initial applicant must not conduct any activity for which a license is required by PACFA until such license is issued. An applicant may request an exemption from this requirement to the Commissioner, which request will be accepted only in written form.

9.1.1.3. Subsequent applications by a person who has been denied a license under this Part will be considered as an initial application, subject to the provisions of these Rules and regulations.

9.1.1.4. Persons denied a license under this Part may reapply after twelve (12) months from the date of the notice of the denial.

9.1.1.5. Any person who petitions the Commissioner for a hearing on any denial of the applicant’s application may apply for re-licensure 12 months after the initial date of denial when the initial denial is upheld.

9.2. Has had a license revoked within the prior two years or whose license is currently suspended.

9.2. In addition to those grounds set forth in § 35-80-112, C.R.S., the Commissioner may issue letters of admonition, deny, suspend, refuse to renew, restrict, or revoke any license

on the following grounds:

9.2.1. Submitting falsified information or making a material and deliberate misstatement on the application for any original license or for any renewal license, including, but not limited to, failing to identify all facilities, failing to provide full violation history, or providing a false name or address.

9.2.2. Making false or fraudulent statements or providing false or fraudulent records to the Commissioner.

9.2.3. Having been fined, sentenced to jail, convicted, or having entered a plea of guilty or plea of no contest under any local, state, or federal law pertaining to the importation or capture of animals, or cruelty, neglect, or abuse of animals.

9.2.4. Failure to comply with any provisions of these Rules and regulations.

9.2.5. Refusal to allow the inspector designated by the Commissioner free and unimpeded access upon consent or upon obtaining an administrative search warrant to inspect those portions of all buildings, yards, pens, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out any provision of PACFA or these Rules and regulations and to all records required to be kept and may make copies of such records for the purpose of carrying out any provision of PACFA or these Rules.

9.2.6. Failure on three (3) inspections within any twelve month period.

Part 10. Inspections

10.1. All PACFA-licensed facilities may be inspected upon application, change or addition of a license category, facility remodel and routinely thereafter, and upon a complaint to the Commissioner or the Department about a particular facility. Only the portions of the facility used as a pet animal facility need meet the requirements of this Rule.

10.2. All licensees or applicants for licensure or license renewal must make their facilities, animals, and records available to the Commissioner for inspection during regular business hours. The licensee or applicant must also provide the inspector with sufficient space to examine records and write the inspector's report. If the licensee's or applicant's facilities, animals, procedures, or records do not meet the requirements of PACFA or these Rules, the licensee or applicant will be advised in writing of existing deficiencies and the corrective measure that must be performed in a timely manner to be in compliance with PACFA and these Rules. The licensee or applicant must submit a written correction report within 20 days of receiving the inspection report. Failure on three (3) inspections within any twelve month period will constitute a separate violation.

10.3. Should the licensee require the inspector to wear special clothing, or to perform special sanitization measures beyond those specified in the Rules that follow, the licensee must provide all such special clothing or special sanitization measures at the licensee's own expense.

10.4. If a separate breeding room is provided and there are birds in an active breeding cycle,

the licensee must permit and make available, at a minimum, a visual inspection from a window or other non-invasive form of viewing.

10.5. Neither an applicant for a license nor a licensee may interfere with, threaten, abuse (including verbal abuse), or harass any inspector, or state or federal official, while such inspectors or officials are carrying out their duties.

10.6. Refusal to allow reasonable access for inspection or complaint investigation may result in a failed inspection and follow-up inspection under the authority of an administrative search warrant.

Part 11. Physical Facility Standards

11.1. Facilities and all interior components must be constructed of building materials that will ensure the facility is of sound physical structure, be maintained in good repair, protect animals kept there from injury, ensure containment of pet animals within the property, and restrict entry of other animals and humans from outside the property.

11.2. Interior Building Surfaces

11.2.1. The indoor building surfaces, including but not limited to floors, cages, counters, enclosures, tables, and tubs must be constructed and maintained so that they are water resistant and capable of being readily cleaned and sanitized. These surfaces need not extend more than 18 inches beyond the perimeter of any animal contact area.

11.2.2. In animal shelters and retail/wholesale facilities all indoor building surfaces must be water-resistant and capable of being readily cleaned and sanitized.

11.3. All materials used for construction of enclosures must be non-toxic.

11.4. Potable water must be provided with a backflow prevention device installed on any threaded faucet, submersible inlets, or on the source serving the facility.

11.5. Readily accessible washrooms or sinks must be provided, convenient to all work areas, to ensure maintenance of personal hygiene by animal caretakers. Single service soap and towels must be available at all hand-washing sinks.

11.6. A sink in good repair or a dishwasher that utilizes a sanitizing process must be provided for washing and sanitizing equipment.

11.7. Indoor pet animal facilities must be sufficiently heated or cooled to protect animals from cold or heat to provide for their health. Heating is required when the inside ambient temperature of the facility falls below 50 degrees Fahrenheit. Cooling is required when the temperature of the facility rises above 90 degrees Fahrenheit. The interior ambient temperature must be consistent with the requirements of the specific species, breed, age, and condition of the animal. Indoor rabbit facilities need not be heated.

11.8. Pet animal areas must be adequately ventilated with fresh or filtered air to minimize odors and moisture and to provide for the health and comfort of the animal at all times.

Ventilation may be mechanical or natural.

11.9. Uniformly distributed natural or artificial lighting must be provided to permit routine inspections and to facilitate routine cleaning. Each pet animal must have light appropriate for the species.

11.10. Sewage and waste from indoor facilities must be disposed of by connection of drains to a sanitary sewer or other locally approved sewage-disposal system.

11.11. Floors must be constructed or maintained to prevent standing water in runs or walkways. Excess water must be removed immediately.

11.12. Outdoor Facility Standards:

11.12.1. Outdoor cat enclosures must be fully enclosed.

11.12.2. Elevated resting surfaces must be provided in each outdoor cat enclosure large enough to accommodate all cats in the enclosure simultaneously.

11.12.3. A shaded area must be provided to all animals housed in an outdoor enclosure. The shaded area provided must be of a size directly proportional to the size of the animals being protected and must be large enough to contain all the animals in the enclosure simultaneously. The interior of a shelter structure may not substitute for a shaded area.

11.12.4. A shelter structure large enough to accommodate all animals simultaneously must be provided. Any shelter must allow the animals to remain dry and protect them from the direct effects of wind, rain, or snow.

11.12.5. Shelter must be a moisture-proof structure of suitable size to allow retention of body heat, made of durable material with a solid floor raised off the ground by an enclosed air space or other means to provide insulation.

11.12.6. Shelter and shade are not required during supervised exercise.

11.12.7. If the pet animal has a choice of immediate access to an interior portion of the facility, shelter and shade need not be provided.

11.12.8. Shelter structures in outdoor facilities must contain clean, dry bedding or a heat source when the temperature falls below 32 degrees Fahrenheit.

11.12.9. No infirm pet animals may be housed outdoors.

11.12.10. Outdoor enclosures must be designed and constructed in a manner that permits suitable drainage to eliminate natural or other excess water, regardless of surfacing material within the enclosure.

11.13. The physical facility must contain the pet animals within the pet animal facility and restrict entry of other animals and humans from outside either by a building, perimeter fence, or

enclosures designed to be escape-proof.

11.14. Animal shelters housing animals in outdoor enclosures or outdoor exercise areas shall have a perimeter fence that is designed to be escape proof.

11.15. Grooming work areas at retail/wholesale, animal shelter, and boarding/training facilities must be physically separated from enclosures, animal food storage or preparation areas, and isolation areas. Anyone who desires an exemption from this requirement may make a request to the Commissioner, which request will be accepted only in written form.

11.16. At any facility where surgical procedures occur, there must be a room whose purpose is exclusively for surgery. Doors into and out of this room must be well-fitted and kept closed. Foot traffic into and through this room must be kept to a minimum.

Part 12. Enclosures

All pet animal enclosures must meet these minimum requirements respective to species:

12.1. Dogs

Dogs: Enclosure Sizes (dogs over 22 weeks or over 30 lbs.)
Length: tip of nose to base of tail
Formula: (length of the dog in inches + 6) x (length of the dog in inches + 6)/144 = required sq. ft.
Up to 5 days: formula
>5 to 30 days: formula x 1.5
>30 days to 6 months: formula x 2
6+ months: formula x 3

12.1.1. When three or more dogs occupy an enclosure, space is to be calculated for the largest dog with the third, fourth, and fifth dogs each requiring an additional one-half of the space required for the largest dog.

12.1.2. The minimum height of the enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when the dog is in a normal standing position.

12.1.3. Crates may be used in any facility for 14 hours or less within any 24-hour period with dogs housed in appropriately sized enclosure (based on length of stay) for the remaining hours in this period.

12.1.4. Housing boarded dogs in crates requires written consent of the owner.

12.1.5. Crates of the minimum dimensions set forth in these Rules may be used to house one dog only.

12.1.6. Puppies that are weaned and are under 22 weeks of age and under 30 pounds must be housed according to the puppy chart.

12.1.7. Dogs over 22 weeks or over 30 pounds shall be housed according to the adult dog chart.

Puppy		**Under 16 Weeks**	**16-22 Weeks**
Size	**Weight – lbs.**	**Sq. Ft.**	**Sq. Ft.**
X-Small	0-4	1.25	1.875
Small	>4 and up to 10	2	3
Medium	>10 and up to 20	2.5	3.75
Large	>20 and up to 30	5	7.5

12.1.8. The floor of the enclosure may be made of the following:

12.1.8.1. Wire, provided that the wire is of a gauge adequate to prevent sagging under the weight of the animal or injury to the feet and provided that the wire is coated and the mesh is small enough to prevent the foot from passing through and to prevent discomfort to the animal.

12.1.8.1.1. When wire flooring is used, a solid resting surface, large enough to allow all dogs to simultaneously lie recumbent, must be provided; and

12.1.8.1.2. Solid resting surfaces must be able to be easily cleaned and sanitized.

12.1.8.2. Approved flooring consisting of slatted flooring, galvanized, expanded metal flooring or expanded metal coated with a flexible plastic surface, or other surface approved by the Commissioner; or

12.1.8.3. Any solid material that is water-resistant and able to be cleaned and sanitized.

12.1.9. Standing water must be removed from enclosures.

12.1.10. Any request for an exemption from these minimum size requirements must be made to the Commissioner in writing and must be accompanied by a plan to provide exercise at a minimum of 60 minutes per animal, per day. To be

considered for an exemption, the facility may have no pending disciplinary actions as contemplated by PACFA or these Rules.

12.2. Cats

Cats: In facility up to 90 Days		**Cats: Housed >90 Days**
Weight -lbs.	**Sq. Ft.**	**Sq. Ft.**
≤ 2	2.5	5
>2 and up to 6	3	6
>6 and up to 10	6	10
>10 and up to 15	7	10
>15	8	10

12.2.1. Each enclosure for housing cats must be at least 21 inches high.

12.2.2. Each additional cat in the same enclosure requires additional square footage as designated by the chart.

12.2.3. The space occupied by any litter box without a flat hood may not be included in the calculation of the total floor space.

12.2.4. The floors of enclosures for cats must be constructed of solid material.

12.2.5. Outdoor enclosures for cats must include one or more shelter structures that are accessible to each cat in each enclosure and that are large enough to allow each animal housed within to sit, stand, lie in a normal manner, and to turn freely.

12.2.6. An elevated resting surface is required after a cat has been housed in a facility for longer than 90 days. The elevated resting surface must be positioned to allow the cat to exercise normal postural movements while perching on the elevated resting surface. The space underneath the elevated resting surface may be included in the calculation of the total floor space if the elevated area is high enough that the cat can exercise normal postural movements underneath it.

12.2.7. Litter boxes designed to capture a cat's excrement within an enclosure must be provided in sufficient number, be of adequate size, and be located in a manner to enable each cat within the enclosure access to the litter box.

12.2.8. Enclosures housing three or more cats are considered colonies and must provide a minimum of 10 square feet of floor space per cat over 4 months of age. In

addition, an elevated solid resting surface or surfaces must be provided. The resting surface must be high enough so that the cat can fit underneath and minimally provide 1.5 square feet of additional space per cat. Kittens over 6 weeks of age and under 22 weeks housed in colonies must be provided 7.5 square feet of floor space per kitten with an additional square foot of resting surface space per kitten that is high enough for the kitten to get underneath.

12.2.9. No more than 25 cats or kittens may be housed in the same enclosure.

12.2.10. Kittens from weaning up to 22 weeks of age must be housed according to the kitten chart.

12.2.11. Cats over 22 weeks of age must be housed according to the adult cat chart.

Kittens		**Under 16 Weeks**	**16-22 Weeks**
Size	**Weight – lbs.**	**Sq. Ft.**	**Sq. Ft.**
Small	up to 3	1	1.5
Medium	over 3	2	3

12.3. Birds

Weaned Birds	**Days in the Facility**		
Length of each bird - inches	**Up to 10 days**	**10 days to 60 days**	**Over 60 days**
Up to 6	1 cubic ft. per 18” of bird in aggregate	x 2	x 4
Up to 24	(length of bird in inches) cubed = cubic inches required	x 2	x 4
Over 24	(length of bird in inches) cubed = cubic inches required	x 2	x 4
	1 cubic ft. = 1,728 cubic inches		

12.3.1. Unweaned birds must have enough space to exercise normal postural movement.

12.3.2. Sufficient perching space is required to allow all birds housed to perch simultaneously.

12.3.2.1. A single, well-placed perch may be adequate for Psittacines. Well-placed means that the bird can stand completely upright on the perch without having any head contact with the ceiling of the cage and, at the same time, without the tail touching the floor or grate of the cage.

12.3.2.2. At least two perches, one at each end of the cage, must be provided for all species that prefer flying or jumping rather than climbing.

12.3.2.3. Perches must be strategically placed to prevent droppings from contaminating other birds and the birds' food and water supply and also to prevent the birds' tails from making contact with the food and water.

12.3.3. The cage must be large enough to allow every bird to sit comfortably on a perch, fan its tail, and spread both wings without touching the sides of the cage or any other bird in the enclosure.

12.3.4. Cage measurements are based on the actual living space and do not include T-stands or perches attached to the outside of the cage or the space below the cage grate.

12.4. Rabbits

Rabbits	**Up to 30 Days**	**Over 30 Days**
Weight – lbs.	**Sq. Ft.**	**Sq. Ft.**
Up to 2	1	2.5
Up to 4	2	4
Up to 12	3	6
Up to 20	5	8

12.4.1. Each additional rabbit within the enclosure requires additional square footage as designated by the chart.

12.4.2. The floor of a rabbit's enclosure must be constructed of material that prevents pododermatitis (foot problems) and that can be adequately cleaned and sanitized. Mesh flooring must be small enough to prevent the animal's feet from passing through and to prevent discomfort to the animal.

12.4.3. Does with litters require 1.5 times the minimum square footage as designated by the chart.

12.4.4. Enclosures housing rabbits in colonies must provide a minimum of 10 square feet of floor space per rabbit over 4 months of age. Rabbits over 6 weeks of age and under 4 months of age must be provided 7.5 square feet of floor space. No more than 25 rabbits may be housed in the same enclosure.

12.4.5. The minimum height for any rabbit's enclosure is 15 inches.

12.4.6. Enclosure must provide adequate ventilation to prevent odor build-up and to maintain appropriate ambient temperature for the rabbits.

12.5. Guinea Pigs

Guinea Pigs	
Weight – gms.	**Sq. In.**
Up to 350	60
350-500	90
Over 500	120

12.5.1. Each additional guinea pig within the enclosure requires additional space as designated by the chart.

12.5.2. Minimum height for enclosures is 12 inches.

12.5.3. The horizontal floors of enclosures for guinea pigs must be constructed of solid material.

12.5.4. Sows with litters require 1.5 times the minimum square footage per chart until weaned.

12.6. Chinchillas, Hedgehogs, and Sugar gliders

12.6.1. Enclosures must provide no less than 360 square inches of floor space per adult chinchilla, hedgehog, sugar glider or a female animal with one litter until weaned.

12.6.2. For chinchillas, a security shelter is required and a dust bath is required no less than twice weekly.

12.6.3. An elevated perching platform is required.

12.6.4. The horizontal floors of enclosures for chinchillas, hedgehogs, and sugar gliders must be constructed of solid material.

12.6.5. Minimum height for enclosures for these animals is 16 inches.

12.7. Mice

Mice	
Weight in gms.	**Sq. In. per animal**
Up to 10	6
Up to 15	8
Up to 25	12
>25	15

12.7.1. The horizontal floors of enclosures for mice must be constructed of solid material.

12.7.2. Enclosure sizes based on the weight of the female are accepted for a mouse with 1 litter until weaned.

12.7.3. An enclosure's height must be a minimum of 3 ½ inches above the substrate.

12.7.4. No more than 200 mice may be housed in any enclosure at any time.

12.8. Rats

Rats	
Weight – gms.	**Sq. In. per animal**
Up to 100	17
Up to 200	23
Up to 300	29
Up to 400	40
Up to 500	60
>500	70

12.8.1. A rat's enclosure height must be 7 inches with a minimum of 5 ½ inches above the substrate.

12.8.2. The horizontal floors of enclosures for rats must be constructed of solid material.

12.8.3. Enclosure sizes based on the weight of the female are accepted for a rat with 1 litter until weaned.

12.8.4. No more than 200 rats may be housed in any enclosure at any time.

12.9. Hamsters and Gerbils

Hamsters and Gerbils	
Weight – gms.	**Sq. In. per animal**
Up to 60	10
Up to 80	13
Up to 100	16
>100	19

12.9.1. Hamsters' and gerbils' enclosures height must be 7 inches with a minimum of 5 ½ inches above the substrate.

12.9.2. The horizontal floors of enclosures for hamsters and gerbils must be constructed of solid material.

12.9.3. Enclosure sizes based on the weight of the female are accepted for a hamster or gerbil with 1 litter until weaned.

12.10. Ferrets

Ferrets	
Age	**Sq. Ft. Per Animal**
Up to 10 weeks	1
10-16 weeks	1.5
Over 16 weeks	2

12.10.1. Each additional ferret within the enclosure requires additional square footage as designated by the chart or for a jill with kits.

12.10.2. The horizontal floors of enclosures for ferrets must be constructed of solid material.

12.10.3. The minimum height for a ferret's enclosure is 18 inches.

12.10.4. No aquaria may be used to house ferrets.

12.10.5. Enclosures for ferrets when constructed using a steel mesh must be of small enough mesh to prevent humans from putting their fingers into the cage and to prevent the ferret from being able to get its snout through the mesh. Other suitable cage designs are subject to approval by the Commissioner. If enclosures do not meet these standards, there must be a sign attached to the enclosure stating that ferrets may bite.

12.11. Reptiles and Amphibians (Herptiles)

12.11.1. The floors of enclosures for herptiles must be constructed of solid material.

12.11.2. The enclosure must be constructed to maintain appropriate humidity and ventilation.

12.11.3. The bottom of the enclosures must be covered with a substrate material that is suitable for the particular species.

12.11.4. The enclosure must contain a variety of structures, materials, and plants, as appropriate, to meet the needs and satisfy behavioral characteristics of different species. Suitable landscaping must protect the animal, reduce stress, and help recreate the animal's natural habitat.

12.11.5. Security shelters, as appropriate to the species, must be provided in the enclosure to allow the animal security, protect the animal from stress, and help recreate the animal's natural habitat. Number and placement of shelters in the enclosure must ensure no animal is forced to choose between its security and maintaining its proper body temperature.

12.11.6. When appropriate to the species, a basking area affording both heat and light must be provided. Enclosures must be large enough to provide a temperature gradient to allow for the animal's normal thermoregulation.

12.11.7. At least 30% of the floor space must be left open for the reptile to move about easily, feed, water, and defecate, and to make movements necessary for thermoregulation when appropriate to the species.

12.11.8. A thermometer must be used to determine the temperature inside the enclosure.

12.11.9. Humidity within the enclosure must be maintained as appropriate to the species. A hygrometer must be used to determine the humidity inside the enclosure.

12.11.10. As appropriate to the species, UVB lighting must be provided as part of the enclosure. UVB bulbs must be metered to ensure appropriate output. The

enclosure must be constructed to allow UVB light to penetrate the enclosure. Facilities housing reptiles must have the ability to meter the available UVB by means of a metering device.

12.11.11. Wholesale only facilities keeping herptiles fewer than 14 days may submit written request to the Commissioner for an exemption from the UVB requirement.

12.11.12. Lizards

12.11.12.1. Regardless of the minimum space required, the dimensions of the enclosure must allow all animals to exhibit normal postural movement and be appropriate to the species.

12.11.12.2. The required space per lizard is to be calculated as: (1.5L)(L)(. 5L) = required cubic inches.

12.11.12.3. No enclosure may house more than 36 lizards regardless of calculated space.

12.11.12.4. In addition to the minimum space requirement, a basking area is required as appropriate to the species.

12.11.12.5. For lizards housed in groups the following space must be provided for each additional lizard:

(L = length of individual lizard in inches measured from tip of nose to tip of tail)

12.11.12.5.1. Each lizard over 12 inches added to an enclosure must have a minimum of 500 cubic inches.

12.11.12.5.2. Each lizard over 16 inches added to an enclosure must have a minimum of 1800 cubic inches.

12.11.12.5.3. Each lizard over 20 inches added to an enclosure must have a minimum of 3000 cubic inches.

12.11.12.5.4. Each lizard over 24 inches added to an enclosure must have a minimum of 5000 cubic inches.

12.11.13. Turtles

12.11.13.1. Land Turtles must be provided clean, potable water at all times in a shallow pan that the turtle can easily get into or out of with a water depth no deeper than the turtle’s chin when its head is straight out.

12.11.13.2. Water turtles must have clean, potable water available at all times. The depth of water in the enclosure must be at least equal to the

carapace length of the turtle with a gradual access leading to a basking area.

12.11.13.3. Enclosure must provide minimum square footage of 70 square inches per 4 inches of carapace length per turtle.

12.11.13.4. The following must be subtracted (not counted) from the square footage: basking area, food dish, water dish, and security shelter.

(All turtles must be measured by straight carapace length.)

12.11.14. Frogs

12.11.14.1. The length of the enclosure for hopping frogs must be four (4) times the length of the frog, and the height must be three (3) times the length of the frog.

12.11.14.2. The length of the enclosure for tree frogs must be two (2) times the length of the frog, and the height must be three (3) times the length of the frog.

12.11.15. For all other amphibians, the area of the enclosure must be five (5) square inches per inch of length of animal and must have a height of two (2) times the length of the animal.

12.11.16. Snakes: At least 30% of the floor space must be left open for the snake to move about easily, feed, water, and defecate, and to make movements necessary for thermoregulation. Arboreal snakes must be provided with a perch.

12.12. An enclosure containing poisonous or venomous animals must be clearly labeled “Poisonous.” The enclosure must prevent injury to the public by the animal or escape by the animal.

12.13. Fish

12.13.1. Aquaria and ponds must maintain adequate water levels to sustain aquatic life.

12.13.2. Aquarium lids may not provide an airtight barrier.

12.13.3. Substrate material must cover the bottom of the freshwater aquarium if an underground filter is utilized. Filter-bed material must be a minimum of 1 inch thick across the entire bottom of the aquarium.

12.13.4. Harmful nitrogenous waste products must be managed by the use of biological or chemical filtration.

12.13.5. Labyrinth fish, such as Bettas, do not require the use of filtration systems, but the water in the enclosure must be changed weekly or more often if

necessary.

12.13.6. Water chemistry must be tested to make sure the following specific criteria are within prescribed limits for established aquaria:

12.13.6.1. Free ammonia concentration - the presence of free ammonia indicates that the biological filter is not working properly or the aquarium is overcrowded or overfed. The maximum acceptable level of free ammonia in a healthy aquarium is 1 ppm.

12.13.6.2. PH - measures the acidity or the alkalinity of the water. The PH reading can vary from 5.5 to 9.0 depending on the requirements of a particular species of fish.

12.13.7. Any time more than 30% of a tank's water is replaced with chlorinated water, the aquarium must be treated with a water conditioner that will specifically remove chlorine or chloramines.

12.13.8. Dead fish must be removed from the enclosure once daily or more often if necessary.

12.13.9. Water in aquaria must be maintained at a temperature appropriate to the species. Accurate water temperature will be measured by a suitable aquarium thermometer.

12.13.10. Fish must be fed food appropriate to the species on a routine basis to maintain good fish health and to maintain good water quality.

12.14. All enclosures must allow each pet animal to turn around, exercise normal postural movements, and experience necessary socialization with cage mates, when applicable.

12.15. Pet animal holding or drying areas must be large enough to allow the animal to stand, lie down, and turn around.

12.16. In exigent circumstances, impoundment facilities may provide minimum space that allows each pet animal to turn around and exercise normal postural movements. These circumstances may not be of a routine nature and must be approved by the Commissioner.

12.17. Any enclosure must be well-constructed, maintained in good repair, and constructed to allow animals to remain dry (when applicable) and clean.

12.18. Enclosures must contain animals, protect them from injury, and keep predators out.

12.19. Enclosures must provide all environmental conditions necessary for health and safety of the animals contained in them.

12.20. All surfaces of indoor enclosures must be constructed of materials that are water-resistant and can be cleaned and sanitized. Wood accessories for birds and small animals are accepted.

12.21. Animal shelters must have solid walls between enclosures in all dog and cat housing areas. The walls in dog and cat housing areas must prevent water and waste material from flowing between enclosures and must be high enough to prevent nose-to-nose contact of animals between enclosures. After a pet dog or cat has been housed in a animal sanctuary facility for longer than 180 days (6 months), solid walls are no longer required for that animal's enclosure.

12.22. Every facility must have the ability to accurately weigh each species of animal housed or transferred according to weight.

12.23. The photoperiod and photo spectrum must be appropriate to the species.

12.24. Cedar shavings must not be used as litter material.

12.25. Minimum space requirements for other animals will be determined by the Commissioner on an individual basis.

Part 13. Cleaning and Sanitation

13.1. Sanitation of a facility may be achieved only by using one of the two methods listed below:

13.1.1. "Chemical Sanitation" means the application of a Disinfectant, per the manufacturer's label instructions, to a clean surface; or

13.1.2. "Heat Sanitation" means the application of heat to raise surface temperature to at least 160 degrees Fahrenheit.

13.2. All enclosures, cages, benches, tables, tubs, etc., must be cleaned and then sanitized/ disinfected after any one animal or group of animals ceases to occupy the space and before any other animal or group of animals occupies the same space or more often if necessary to maintain clean and sanitary conditions.

13.3. With the exception of enclosures of small animals and birds, visible animal wastes must be removed from enclosures daily or more often if necessary. All visible waste must be removed from the enclosures of small animals and birds at least weekly or more frequently if necessary to prevent contamination of the pet animals and to reduce disease hazards and odors.

13.4. Animals must be protected from exposure to water under pressure or to chemical solution used in cleaning the enclosure.

13.5. Litter boxes must be kept clean inside and out.

13.6. Food and water containers, including self-feeders and self-waterers, must be cleaned and sanitized at least weekly, or more often if necessary, and between use by different animals or groups of animals.

13.7. Disposable food and water containers may be used if discarded after each use.

13.8. All bird and small animal cage accessories (ladders, toys, perches, etc.) made of unsealed wood must be cleaned or replaced as often as necessary to maintain clean conditions. Perches, nests, or nest boxes in cages where birds are incubating eggs or brooding chicks must be cleaned and sanitized between breeding seasons or after all offspring have been permanently removed from the breeding cage.

13.9. All pet animal enclosures, cages, runs, isolation rooms, or areas that contain pet animal(s) (except fish) suspected or being treated for communicable disease must be cleaned and sanitized daily. Fish enclosures must be cleaned and treated as appropriate for the species.

13.10. Cross-contamination in isolation areas must be minimized by limiting handling of the animals and taking precautions to prevent contaminating other animals.

13.11. Outdoor gravel, sand, or soil must be removed or replaced when permeated with urine or fecal matter, or when odors are present.

13.12. Towels used to dry pet animals in a grooming or boarding/training facility must be adequately laundered before they are used on any other pet animal.

13.13. Equipment used in a grooming or boarding facility such as brushes, combs, and clipper blades must be cleaned and sanitized between uses on different animals.

13.14. Hair on the floor around a grooming station must be removed after an animal is groomed and before any other animal may be groomed.

13.15. Animal and food wastes, used bedding, debris, and any other wastes must be removed from the pet animal facility daily and must be removed from the premises weekly or more frequently as necessary to control infestation, odors, disease hazards, and nuisances.

13.16. Unopened pet food must be stored in waterproof, closed containers or at least 4 inches off the floor. Opened pet food must be stored in waterproof, closed containers.

13.17. The building and grounds must be kept clean, in good repair, and free of trash and unnecessary or unused items.

13.18. Weeds and grass must be mowed or cut down in and around enclosures where animals are kept or exercised.

13.19. Pests must be controlled. Food or bedding contaminated by pests must be discarded.

Part 14. Classification and Separation

14.1. Pet animals exhibiting aggressive behavior must be housed in enclosures that prevent them from biting or injuring humans or other animals.

14.2. Pet animals suspected of having a communicable disease must be isolated from other susceptible animals and the public.

14.3. Pet animals housed together must be compatible and have similar environmental requirements.

14.4. Any animal boarded in a licensed retail facility must be physically separated from sale animals.

14.5. Dogs, cats, and other species in animal shelters and boarding/training facilities must be housed in separate rooms. Facilities may submit a written request to the Commissioner for an exemption from this requirement. Separate isolation for each species is not required.

14.6. Any facility that operates as both a boarding/training facility and an animal shelter must have separate ventilation and full-wall separation between the boarding/training and shelter areas. Facilities may submit a written request to the Commissioner for an exemption from this requirement. Any such submission must demonstrate provisions for the health and safety of the animals in the facility if such exemption were to be granted.

14.7. Puppies, kittens, and rabbits under the age of 22 weeks may not be housed in the same enclosure with adults other than their dam or foster dam, unless under direct supervision.

14.8. With the exception of a licensed breeding facility, females in season (estrus) must not be housed in enclosures with other animals. In animal shelters, animals that have reached sexual maturity must be housed separately from the opposite sex unless spayed or neutered. Birds and reptiles are exempt from this requirement.

14.9. Any bitch or queen in whelp must be housed individually a minimum of one week prior to its whelping date.

14.10. Unless under constant and direct supervision, no more than 5 dogs over 6 months of age may be housed in any one enclosure or common area, with the following exceptions.

14.10.1. Dog breeder facilities may submit written request to the Commissioner for an exemption from this requirement if the facility has no disciplinary matters pending. Any such submission must demonstrate provisions for the safety and well-being of dogs in the facility if such submission were to be granted.

14.10.2. In boarding/training facilities and grooming facilities dogs from different households may be commingled in common areas, under constant and direct supervision, with the written consent of the owners.

14.10.3. There must be a minimum of one human supervisor (at least 16 years of age) present, at all times, who has immediate access to and is able to directly supervise and constantly view each common area where dogs from different owners are commingled. Under no circumstances will viewing by video camera or through windows be considered acceptable supervision to satisfy this requirement.

14.10.4. Employees who are engaged in performing other tasks, including grooming other pet animals, do not satisfy this requirement.

14.10.5. There must be at least one human supervisor for every 15 dogs commingled within each common area. If more than 15 dogs are commingled in a common area, then the supervisor-dog ratio becomes:

2-15 dogs – one supervisor;

16-30 dogs – two supervisors;

31-45 dogs – three supervisors;

45-60 dogs – four supervisors.

14.10.6. No more than 60 dogs may be commingled in any enclosure or common area at any time.

Part 15. Veterinary Care and Disease Control

15.1. Shelters, rescues, and retail/wholesale facilities that do not have a veterinarian on staff shall have a written agreement with a licensed veterinarian for services and consultation regarding animal health needs. This agreement must be updated each licensing period. The name and phone number of the veterinarian must be included. Pet animal grooming, boarding/training and breeding facilities shall have a working relationship with a veterinarian to provide timely veterinary care. The name and phone number of the veterinarian must be available to the inspector upon request.

15.2. Pet animals must be observed daily for signs of injury or illness by the person in charge of the facility or by an employee working under his/her direct supervision.

15.3. Sick, diseased, or injured animals, except for fish and invertebrates, must be provided with timely veterinary care or euthanized in a humane manner under the direction of the facility's veterinarian. Euthanasia must be consistent with § 35-80-102(7), C.R.S.

15.4. Grooming facilities may not administer tranquilizers, sedatives, or any other pharmaceutical drug designed to calm an animal during the grooming process.

15.5. Boarding/training facilities acting as agents for the owner may administer prescription medication to pet animals being boarded as directed by the owner's veterinarian. If the operators agree to administer prescription medications, the medications must be in the original container issued by veterinarian or pharmacy and administered according to label directions. The label must include: client name/pet name, dosage, drug name, veterinarian's name, and date issued.

15.6. Boarding/training facilities may not administer tranquilizers, sedatives, or any other pharmaceutical drug designed to calm an animal unless the drug is administered under the direction of the animal's veterinarian, with a written prescription from the animal's veterinarian, and with written permission from the animal's owner.

15.7. Prescription medication, including prescription bathing products, may only be administered to pet animals under the written direction of a licensed veterinarian.

15.8. Expired medication may not be administered to pet animals under any circumstance and must be discarded.

Part 16. Isolation

16.1. There must be an isolation area available for pet animals in boarding/training, dog breeder, cat breeder, and small animal breeder facilities. Facilities may submit written request to the Commissioner for an exemption from this requirement.

16.2. There must be an isolation room available for pet animals in animal shelter, bird breeder, and retail/wholesale facilities. Facilities may submit written request to the Commissioner for an exemption from this requirement.

16.3. This isolation room must have a separate wash sink with single service hand soap and towel dispenser. Facilities may submit written request to the Commissioner for an exemption from this requirement.

16.4. The minimum space requirements for each species may be applied while an animal is in isolation.

16.5. Cross-contamination during cleaning of isolation areas must be minimized by limiting direct contact between animals, limiting handling of the animals, and taking precautions to prevent contaminating other animals.

16.6. Equipment for isolation must be used and stored exclusively in isolation.

16.7. All surfaces in isolation must be water resistant and be able to be cleaned and sanitized. All occupied enclosures within isolation shall be cleaned and sanitized each day. Fish and amphibian enclosures must be cleaned and treated as appropriate for the species.

Part 17. Food and Water

17.1. Food

17.1.1. Pet animals must be fed in a manner that is consistent with the nutritional needs for the age, size, condition, and species.

17.1.2. Perishable food must be refrigerated.

17.2. Water

17.2.1. If potable water is not continually available to the pet animal, it must be offered as often as necessary to ensure health and well-being, but not less than twice daily.

17.2.2. Potable water must be available to birds, turtles, and amphibians at all times.

17.2.3. For reptiles, potable water must be provided as appropriate to the species for drinking, soaking, or defecation in a container large enough to accommodate the

entire animal. Water must be offered in a form that will facilitate drinking.

17.3. Access

17.3.1. Animals must be provided food and water in containers except when otherwise appropriate to the species.

17.3.2. Open food and water containers must be accessible to the pet animal and located to minimize contamination of the food or water in the container.

17.3.3. Animal food and water containers must be safe, in sufficient number, of adequate size, of appropriate type, and located so as to enable each animal in the enclosure to be supplied with an adequate amount of food and water.

17.3.4. All mammals and birds must be fed at least once daily.

Part 18. Special Requirements

18.1. Pet animals must be groomed to prevent matted hair, overgrown nails, and overgrown beaks and so that they have freedom of movement and so that they may perform normal bodily functions and so that the health and welfare of the animal is protected.

18.2. Reasonable care must be taken to transfer only those pet animals that are free from undisclosed disease, injury, or abnormality.

18.3. Any pet animal, excluding reptiles, fish, and rodents, transferred into a PACFA-licensed facility from outside Colorado must be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within the state of origin and within 30 days prior to the animal's arrival in Colorado.

18.4. It is unlawful to sell, transfer, or adopt dogs or cats under the age of eight weeks.

18.5. The acceptance by a licensed pet animal shelter or rescue or exchange between licensed pet animal shelters or rescues of underage animals that have been abandoned or relinquished shall not constitute a transfer for the purposes of § 35-80-108, C.R.S. In such acceptance or exchange, the underage animals shall be kept with the dam, whenever possible.

18.6. A facility may not sell, transfer, or adopt cats less than two pounds of body weight unless written documentation is provided by the facility's veterinarian stating that the cat has been examined and is of sufficient physical development and general health to be safely transferred or that the cat is greater than 12 weeks of age.

18.7. A facility may not sell, transfer, or adopt guinea pigs, hamsters, rabbits, or any other pet animal species as may be specified by the Commissioner, under the age of four weeks. This does not include birds.

18.8. No person or entity may sell, barter, exchange, or otherwise transfer, import or cause to be imported into this state any type of turtle with a straight carapace length of less than four inches.

18.9. Tethering of pet animals is prohibited except for dogs and cats for grooming and for dogs when cleaning their enclosures.

18.9.1. Tethering must be done in a manner that prevents the tethered animal from entanglement with other pet animals or other objects.

18.9.2. Dogs or cats tethered on a raised surface must have constant direct human supervision.

18.9.3. Tethers must be attached to the animal by means of a well-fitted and non-tightening collar or loop with a swivel on the collar or non-tightening loop.

18.10. Untethered dogs or cats groomed on a raised surface must have constant and direct human supervision.

18.11. The use of dog houses with chains (tethering) as an enclosure is prohibited.

18.12. Facilities that breed, train, or house Alaskan dog breeds or Alaskan breed crosses, specifically for the purpose of pulling dog sleds, and that have no current disciplinary matters pending before the Commissioner, may submit a written request to the Commissioner for a waiver from the prohibition against dog houses with chains (tethering) as an enclosure.

18.12.1. Any request for waiver of the prohibition must be accompanied by a written plan for training and conditioning of the dogs for a license year, which plan will be in place for each successive year. The plan must be signed by the facility owner and the consulting veterinarian and compliance with the plan must be documented.

18.12.2. If dog houses with chains are used as an enclosure, the facility must keep a record monthly of the training and conditioning of each dog, showing the number of months per year the dogs are used for pulling sleds, number of days per week spent pulling sleds, and average amount of time dogs spend pulling sleds.

18.12.3. The facility must also record the number of months of the year the dogs are not used for pulling sleds, the number of days per week dogs are trained or conditioned off the tether when they are not pulling sleds, and for how much time each day the dogs are trained or conditioned during this time.

18.12.4. The licensee must document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

18.12.5. No female dogs in whelp or with puppies may be tethered.

18.12.6. If dog houses with chains are used as enclosures for dogs kept outdoors, the chains used must be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains must be a minimum of 6 feet long and of a type commonly used for the size of dog involved and must be attached to the dog by means of a well-fitted, non-

tightening collar or harness. All tethering chains must have a swivel.

18.12.7. If tethering is used, a fence perimeter must surround the entire tethering area to protect the tethered dogs from predators, stray animals, and humans.

18.13. Whelping area

18.13.1. A whelping area containing a whelping box with a solid floor is required for cats and dogs in whelp.

18.13.2. The whelping box must allow the dam to lie stretched out on her side, permitting all puppies or kittens to nurse, and must be large enough to accommodate the puppies or kittens until weaned.

18.13.3. The whelping area must be large enough to allow the dam to leave the whelping box.

18.13.4. Nursery enclosures with wire flooring must have a solid resting surface large enough to accommodate all dogs housed in the enclosure simultaneously.

18.14. Dryers that produce heat must be equipped with a timer that will automatically shut the dryer off after 30 minutes unless the dryer is used as a hand-held dryer or is a dryer directly attended by a person.

18.15. Dryers with heating elements may not cover more than 20% of the total open area of the cage surface.

18.16. Pet animals must be bathed in water at a temperature appropriate to the species/breed, age, and condition of the animal.

18.17. Each breeding dog or cat must be individually identified by collars, microchips, or tattoos. The Commissioner may approve alternate methods of identification upon written request.

18.18. In animal shelters each animal must be identifiable through cage/run cards, identifying collars, leg bands, or alternate methods of identification approved by the Commissioner.

18.19. Behavioral control devices may be used for the safety of pet animals and handlers. Behavioral control devices must be humane and used humanely per the manufacturer's intended use. All self-tightening collars, pinch collars, muzzles or choke chains may be used when dogs are directly attended and otherwise must be removed.

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

18.21. Pools

18.21.1. Whenever water in a pool is deeper than the height at the shoulder of the shortest dog in the pool area, an ingress-egress area shall be provided.

18.21.2. No dog may have access to the pool or pool area without constant and direct supervision. Facilities may submit written request to the Commissioner for an exemption from this requirement if the facility has no disciplinary matters pending. Any such submission must demonstrate provisions for the safety and well-being of dogs in the care of the facility if such submission were to be granted.

18.21.3. Facilities must be constructed, maintained, and managed to protect animals from illness, injury, and death resulting from access to pools or pool areas.

18.21.4. Pools with a capacity of less than 100 gallons must have the water changed and be cleaned and sanitized daily.

18.22. Animal rescue facilities shall use a system of fostering in private homes or keeping pet animals in licensed pet animal facilities. No more than eight dogs or cats may be housed in any foster home at any time. A female dog with puppies under 8 weeks of age or a queen with kittens under 8 weeks of age will be considered one adult.

18.23. In the event a public shelter is unable to comply with any of the facility standards due to lack of funding, the public animal shelter must inform the Commissioner in writing, and the facility may request a waiver of the particular requirement with which it is unable to comply.

Part 19. Recordkeeping

19.1. Each licensee must keep and maintain records in the form and manner designated by the Commissioner as set forth by these Rules. The licensee must maintain requisite records at the physical facility address specified in the license application for a period of two years after disposition of the animal for which the record was originally made. All required records must be made available to any inspector authorized by the Commissioner.

19.2. Acquisition records are required and must include, at a minimum: the date the animal was transferred; source or how acquired; name, address and phone number of the source if known; number of animals received; animal breed or species; specific identifying characteristics if available; bird band number or other identification approved by the Commissioner, if applicable; date of birth of dogs, cats, hamsters, rabbits, and guinea pigs.

19.3. Disposition records are required, for dogs, cats, rabbits, guinea pigs, psittacine birds, and hamsters and must include the date of birth for dogs, cats, rabbits, guinea pigs and hamsters. For dogs, and cats, disposition records must include breed or species, gender, and physical description of the animal and name, address, phone number, and signature of purchaser or adopter. For kittens under 12 weeks of age the weight at the time of transfer must be included.

19.4. Facilities must record date of death or euthanasia for dogs, cats and psittacine birds. Records of euthanasia shall include species or breed, date, and method of euthanasia including dosage.

19.5. Maintenance

19.5.1. A maintenance record must be kept for each dog and cat housed permanently at a facility. These records must include the name, date of birth, breed, gender, color, any identifying characteristics, and required permanent identification information.

19.5.2. Records of animals boarded or trained must be kept by the facility and must include the name and address of the owner of the pet animal, date of transaction, species/breed, specific identifying characteristics, gender and age, and name of the owner's veterinarian.

19.5.3. A record must be kept of immunizations for each boarded animal at a facility, recording the date on which the immunization was given or the expiration date of the immunization. These records may be transferred to and kept on kennel forms.

19.6. Zoonosis

19.6.1. Any facility selling, adopting or otherwise transferring psittacine birds to the public must furnish the buyer or adopter of each psittacine bird a Psittacine Bird Sales Record approved by the Commissioner, giving the business name of the facility, the name, address and phone number of the person buying or adopting the bird, and the number, species and leg band identification number, or other identification approved by the Commissioner, for each bird. Printed on this sales record must be a warning to the buyer or adopter of a possible psittacosis hazard. This warning must include a description of the disease signs in birds, symptoms in humans, and a statement regarding the critical need for prompt medical diagnosis and treatment when symptoms are present.

19.6.2. Any facility selling, adopting, or otherwise transferring reptiles must have each retail purchaser or adopter of one or more reptiles read an educational document approved by the Commissioner. This educational document must state the possible salmonellosis hazard to people and describe common hygienic practices to help prevent salmonella exposure to humans. The purchaser must sign a dated register provided by the pet animal dealer after reading this educational document.

19.6.3. Any facility selling, adopting, or otherwise transferring dogs, cats, or ferrets must provide an educational document prescribed by the Commissioner to each retail purchaser or adopter describing the benefits of rabies vaccination and the risk of rabies infection. This document must state the potential risk to humans posed by the rabies virus and the methods to prevent human and animal exposure. The retail purchaser or adopter must sign or initial that this document has been received.

19.7. In accordance with § 35-108-108(1)(i), C.R.S., no person may import or have in his possession for the purpose of selling, trading, giving away, or otherwise transferring any psittacine bird that has not been legally banded with a type of leg band authorized by the Commissioner and appropriate to the size and species of the bird. The Commissioner

authorizes any traceable leg band or microchip.

19.7.1. No licensed pet animal facility may use another licensee's registered leg band, nor may a licensee sell or transfer his registered leg band to another person.

19.7.2. Application for a traceable leg band must be made to the Commissioner.

19.7.3. A leg band that is causing injury to a bird may be removed provided the Commissioner is notified in writing. Upon sale, trade, or other means of transfer, the bird must be accompanied with a traceable leg band approved by the Commissioner. If the bird is unable to wear a leg band, the band must be attached to a photograph of the bird to prove identification and be kept with the acquisition/disposition records.

19.7.4. The Commissioner may require other species of birds to be banded. In such event, the Commissioner will notify any licensee affected.

19.8. Written permissions

19.8.1. In boarding/training facilities and grooming facilities, pet animals of different ownership may be housed in the same enclosure, under constant and direct supervision, with the written consent of the owners.

19.8.2. Housing boarded dogs in crates requires written consent of the owner.

19.8.3. Products not labeled for use on pet animals may be used only with the written consent of the owner.

19.8.4. Records for boarded or trained animals must include a written agreement concerning veterinary care to treat diseased or injured animals and must address disposition of animals that die at the facility.

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

19.9. Written disclosure

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

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

incident, and course of action.

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

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

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

19.9.5.1. The date the animal was transferred; source or how acquired; name, and address of the breeder; animal breed or species; specific identifying characteristics if available; bird band number, USDA identifying tag, tattoo, microchip, or other identification approved by the Commissioner; if known, the date of birth of dogs, cats, hamsters, rabbits and guinea pigs; and any medical treatment or medication received prior to arrival at the pet animal facility, if known.

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

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

19.10. Spay/neuter

19.10.1. For animal shelters and rescues, except as provided in § 35-80-106.4(3)(a),(b),(c) and (d), C.R.S., it is unlawful to transfer any dog or cat that is not spayed or neutered prior to leaving the facility unless the prospective owner has paid a deposit to the facility and signed a written agreement with the facility to have the animal spayed or neutered.

19.10.2. The written agreement to have the animals spayed or neutered must include: age, sex, species, breed, and general description of the animal; date of adoption and date by which the animal must be sterilized; adopting party's name, address, and phone number, and signature; and facility name, address, and phone number.

19.10.3. Shelter and rescue facilities must record spay/neuter status upon adoption and amount of deposit, if required, that is retained.

19.10.4. The amount of the deposit is $50.

19.10.5. The deposit may be reclaimed upon presentation of written correspondence from a licensed veterinarian that the animal has been spayed or neutered within 90 days of transfer. The facility may extend the 90 day requirement upon presentation of written correspondence from a licensed veterinarian stating that the life or health of the adopted pet may be jeopardized by sterilization. If the deposit is not reclaimed after 90 days, it becomes the property of the adopting agency and must be deposited annually upon license renewal with the Pet Overpopulation Fund or a local dedicated spay and neuter fund.

19.10.6. Animal shelter and animal rescue facilities must report to the Commissioner on a yearly basis whether they spayed or neutered all dogs and cats prior to transfer, the total dollar amount of deposits paid to the facility, and the total dollar amount of unclaimed deposits.

19.11. Foster

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

19.11.2. The licensee shall inspect each of its foster homes at least once annually and before any animal is fostered at the location and maintain a record of those inspections at the physical facility address. The inspection record must include the date of inspection, the number and species of pet animals that permanently reside at each foster home, the signature of the foster care provider and the signature of the person inspecting the foster care facility.

19.11.3. The licensee shall have a written, signed foster agreement with each of its foster homes, which agreement shall include a statement that the foster home understands and agrees to adhere to all relevant zoning and animal control codes and ordinances, whether local, county, or state.

Part 20. Transportation

20.1. Animals transported by a vehicle must be secured within the vehicle by seatbelt harness or an enclosure that is secured to the vehicle. Unconfined transportation in the open bed of a pick-up truck or other open vehicle is prohibited.

20.2. Enclosures used to transport animals must be secured, water-resistant, well-constructed of cleanable material, and designed to protect the health and ensure the safety of the animals.

20.3. Enclosures must have appropriate heating, cooling, and ventilation to ensure the comfort and health of the animals at all times. The requirements of the specific species, age of

the animal, and the specific health condition of the animal(s) must be accommodated.

20.4. Enclosures for transport

20.4.1. The openings of such enclosures must be accessible at all times for emergency removal of the animals.

20.4.2. The animals must be afforded protection from the elements.

20.4.3. Animals may not be placed in enclosures over other animals in transit unless the higher enclosure is fitted with a floor of material that prevents waste from entering lower enclosures.

20.4.4. Ingress of exhaust from the vehicle's engine must be minimized.

20.4.5. Enclosures must be large enough so that each animal has space to turn around, stand, and lie down.

20.5. Animals that are not conditioned to each other may not be transported in the same enclosure.

20.6. Multiple species may not be transported in the same enclosure with the exception of birds.

20.7. Enclosures must be cleaned and sanitized after each use or between animals, or more often if necessary.

20.8. Any vehicle used to transport an animal must be maintained in good repair and kept clean.

20.9. Dogs must be removed from the vehicle at least every 6 hours and allowed to urinate, defecate, and obtain food and exercise. The licensee must document evidence of the exercise of these dogs. Facilities may submit written request to the Commissioner for an exemption from this requirement if the facility has no disciplinary matters pending. Any such submission must demonstrate provisions for the safety and well-being of dogs in the care of the facility if such submission were to be granted.

20.10. Enclosures used to transport cats must have a solid floor and contain a mat, towel, or other soft covering.

20.11. If the trip is 6 hours or more in length, a litter box must be provided within each enclosure for cats. The litter box may not cover more than 50% of the enclosure floor.

20.12. Animals must be kept hydrated.

20.13. When transporting dogs and cats, a dated manifest must be kept to document number, species, and breed of animals being transported.

Part 21. Temporary Facilities

21.1. Temporary facilities must maintain a set of standard operating procedures, including, but not limited to: schedules and methods for feeding and watering; plans to maintain heating and cooling requirements; plans for cleaning and disinfection; and plans for hand washing.

21.2. Temporary facilities must limit the number and types of animals to comport with standard operating procedures and facility requirements.

21.3. Temporary facilities must comply with all other facility requirements within the physical facility, sanitation standards, food and water, isolation, and classification and separation standards of pet animal facilities, as needed.

21.4. Transfer records for each day for temporary facilities must be kept at the temporary location on said business day, during hours of operation. Thereafter, the records may be kept at the physical facility address.

21.5. Retail/wholesale facilities must notify the Commissioner in writing 10 working days in advance of all temporary event dates and locations of events in which they plan to participate.

Part 22. – 24. Reserved

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

25.1. Adopted June 11, 2014 – Effective July 30, 2014

STATUTORY AUTHORITY:

The Commissioner of Agriculture adopts these rules pursuant to the authorities located at § 35-80-109(1), (2), and (4), C.R.S.

PURPOSE:

The purpose of these rules is to define the administration and enforcement of the Pet Animal Care and Facilities Act, § 35-80-101 through 117, C.R.S., ("PACFA"). The rule includes minimum standards of physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure requirements, nutrition, humane care, medical treatment, sterilization of dogs and cats released to prospective owners from animal shelters and pet animal rescues, and method of operation, including the minimum holding period for and disposition stray or abandoned pet animals, that are, in the opinion of the Commissioner, necessary to carry out the provisions of this article; the minimum weight requirement for the transfer of cats; maintenance of records concerning health care, euthanasia, and transactions involving pet animals; the establishment of qualifications for any applicant and standards of practice for any of the licenses authorized under this article, including the establishment of classifications and sub-classifications for any license authorized pursuant to PACFA; the issuance and reinstatement of any license authorized by PACFA and the grounds for any disciplinary actions authorized by PACFA, including letters of admonition or the denial, restriction, suspension, or revocation of any license authorized by PACFA; the amount of any license fee for a pet animal facility license; and the annual date on which licenses and psittacine bird leg bands issued pursuant to PACFA expire.

FACTUAL AND POLICY ISSUES:

PACFA was created by statute in 1994. Between 1994 and the adoption of this rule, the program, animal care standards, and the statute have evolved. The previously adopted rule had become unwieldy with updates, corrections, and revisions. PACFA worked with its Pet Animal Advisory Committee pursuant to § 35-80-115, C.R.S., to streamline the rule to make it more efficient, responsive to new science and information, and user-friendly for licensees.

The existing rule was repealed and re-enacted. This new rule incorporates changes as a result of the Department's Regulatory Efficiency Review Process conducted in accordance with the Governor's Executive Order D 2012-002.

25.2. Adopted June 8, 2016 – Effective July 30, 2016

Statutory Authority:

The Commissioner of Agriculture adopts these Rules pursuant to the authorities located at §§ 35-80-109(1), (2)(a), (b.6), (c), (d), (e)(I), and 35-80-106.5(2), C.R.S.

Purpose:

The purpose of this rulemaking is to recodify the Rule from the Animal Health Division to the Inspection and Consumer Services Division. Other changes include: provide clarification in definitions that the regulated community found unclear since the repeal of these Rules in 2014, provide new definitions where necessary to aid with clarity, include new categories for "pet transporter" and "reptile/amphibian," clarify license application and renewal dates, remove unnecessary licensure categories, update licensure fees, and harmonize all areas of the Rule to integrate the changes to definitions, categories, and licensure dates fully into the Rule. These revisions incorporate changes as a result of the Department's Regulatory Efficiency Review Process.

Factual Policy and Issues:

The PACFA Advisory Committee and PACFA staff (the "Reviewers") identified various terms that needed either clarification to their definitions or a new definition. In addition to refining the definitions, the Reviewers made changes throughout the Rule to how the words "commingle" and "enclosure" are used to bring clarity to the Rules. The Reviewers also received many comments from industry regarding the regulation of reptile and amphibian breeders. Responding to the concerns in those comments, the Reviewers drafted changes to incorporate reptile and amphibian breeders more specifically into PACFA with their own category and with clarified housing and reporting requirements.

Additionally, the transport of pets into Colorado to rescues and shelters from Texas, Oklahoma, Kansas, New Mexico and Utah has become a major consumer protection issue. Statistics for shelters and rescues show that in 2013 over 17,000 pets were transferred into the state, in 2014 over 24,000 and preliminary estimates of over 30,000 in 2015. The Reviewers identified a large and unregulated conduit by which pet animals enter into Colorado without appropriate records and without minimum health concerns addressed. The Reviewers created a category of licensure for these as "Pet Transporter."

The Reviewers removed the unnecessary licensure category of “Network Boarding Facility” because it is not a category that is useful any longer. And, they removed the requirement to submit pre-licensure plans because the Department does not approve these plans. They also removed the definition of “sanitation” and amended the “Cleaning and Sanitation” Section to identify what type of sanitation is acceptable because licensees were not correlating the definition of the term with the requirement to sanitize in the Rule. Due to a lack of clarity with regard to licensure dates, the Reviewers modified language regarding when licenses expire and modified due dates for licensure applications.

With regard to discipline, the Reviewers determined it necessary to permit the Commissioner to issue disciplinary action against a licensee who has failed three inspections within one calendar year, changing that from three re-inspections for an original violation. On occasion, PACFA encounters facilities that fail inspections for different reasons each time. The Reviewers concluded that permitting a facility to continue to operate simply because it fails each inspection for different reasons each time is inequitable to the majority of licensees who are compliant or who remedy their non-compliance issues without adding additional factors of non-compliance.

Licensure fees throughout were adjusted to take into consideration equity and to accommodate the creation of new categories. Where two or more categories were collapsed into one or where a category was removed, the Reviewers made appropriate changes.

To provide additional protection to animals being groomed, the Reviewers found it necessary to indicate that untethered animals being groomed must be under constant supervision. Similarly for animal safety, the Reviewers added “muzzle” to the list of behavioral devices that require supervision.

Record keeping and identification requirements for psittacine birds were relaxed to allow for alternative forms of identification including microchips and photo identification when it is not possible to band a bird and to modify the requirement that a psittacine bird sales record form is only required for birds sold to the public and not for transfers of birds between licensed facilities. Reviewers also found it necessary to add that licensees must record a weight at the time of transfer for kittens under 12 weeks of age to meet the statutory requirement of two pounds. To reduce paperwork for licensed facilities, the reviewers relaxed the zoonosis disclosure in the record keeping requirements allowing facilities to provide their own forms, approved rather than prescribed by the Commissioner, for customers or adopters to initial that they have received the required disclosures for rabies and salmonella. In order to ensure that foster homes understand the necessity to comply with local regulations, the Reviewers found it necessary to require animal rescues to have a written foster agreement with all of their foster homes and include a statement on these agreements certifying that the foster home is in compliance with local zoning requirements and animal control codes.

Specific Purpose of this Rulemaking

Changes in these Rules include spelling and grammatical changes. Reviewers located the word “rail” in the chart in Section 12.00 Enclosures, paragraph A. Dogs when the word should have been “tail”, Section 14.00 Classification and Separation, paragraph J. the word “maybe” should be “may be”.

Additions and deletions have been made to Section 1.00 Definitions and Abbreviations to better define some concepts that have arisen out of the enactment of the new Rule in 2014 and remove

definitions related to license categories that are no longer used and remove and move definitions to another Rule Section so they are more clearly defined. Formatting has also been updated to be consistent with other Department Rules.

New definitions include; paragraph B. building, paragraph E. the word commingle, paragraph F. creating a definition of common area, paragraph I.2 using the word “indefinitely” to better define what an animal sanctuary is, I. 5 adding correctional facilities that train dogs regardless of compensation to the boarding and training facility definition, removing the definition and category of I. 10 network boarding facility as it is not used by licensees, creating a new category and definition under I. 10 of Pet Animal Transporter to address the growing concerns of pet animals being imported into the state for adoption by shelters and rescues, in I. 13 adding the category and definition of reptile/amphibian(herptile) breeder to address the increase in breeding and selling of reptiles and amphibians, paragraph J. creating a definition of enclosure to better define the difference between common area and enclosure for supervising and separating animals during exercise or social interaction, paragraph M. defining indoor, paragraph N. defining the word infirm, paragraph S. defining outdoors and removing the definition of paragraph P. sanitation and moving it to Section 13.00 Cleaning and Sanitation and paragraph Y. striking 12-month and replacing it with calendar year for the definition of a temporary single retail event.

Changes to Section 2.00 Application for Licensure and Conditions for Licensure include; striking C. 4 since plans are no longer required to be submitted prior to operation, F.1 adding reptile/ amphibian (herptile) breeder to the licensing threshold by species Section, F. 1 subsection d through g adding the threshold numbers for the breeding of reptiles and amphibians, G. 1 requiring groomers to provide premise change notification, striking H. as network boarding facility is being removed and Pet Handler is no longer a sub category of boarding/training.

Changes to Section 3.00 Facility License Requirements include; paragraph A. adding Reptile/ Amphibian Breeder, Pet Handler and Pet Transporter to the list of facilities that need to be separately licensed, paragraph G. making the license year March 1 and paragraph J. making the license renewal for psittacine leg bands March 1.

Changes to Section 4.00 License Fees include; changes to paragraph D. 1 retail aquarium increased to $350 from $300 to bring it more in line with the retail/wholesale category, D. 4 and 17 combined common and uncommon bird breeder into one category called bird breeder and made the fee $200, D. 8 deleted Network Boarding Facility and the fee, created a new D. 8 to combine for profit and non-profit animal rescue and made the fee $225, D. 11 added facility to the pet grooming category and added the sub categories of independent contractor pet groomer and self-wash only grooming facility, added the new categories of D. 14 pet transporter at $225 and D. 15 reptile/amphibian breeder at $225.

Changes to Section 5.00 Annual Report By Licensee include the additions of pet handler, pet transporter and reptile/amphibian breeder facility who are required to submit an annual report.

Changes to Section 9.00 Disciplinary Actions and Denial of Licensure include; paragraph A. 1 subsection b allowing applicants to request an exemption from the Commissioner why they await the pre-license inspection process, paragraph B. 6 striking original violation and changing the intent to only allow licensees three failed inspections before the initiation of disciplinary action.

Change to Section 10.00 Inspections to align with the wording in the statute, striking mutually agreeable to make licensees provide regular business hours for inspection.

Changes to Section 12.00 Enclosures include; paragraph G.3 for mice, striking 5 inches to align with industry standards to provide 3 ½ inches above substrate, K. 16 for snakes striking subsection a, b and c and creating a new subsection a requiring 30% of the floor space in the enclosure to be left open for the snake to move, feed, water, defecate, thermoregulate and requires a perch for arboreal snakes.

Changes to Section 13.00 Cleaning and Sanitation include: a new paragraph A. defining the methods of sanitation, adding wording to paragraph B. to better define the two step process of cleaning then sanitizing.

Changes to Section 14.00 Classification and Separation include; paragraph J. to make the Rule more clear adding with the following exceptions, J. 2 and 5 added the words commingled in common areas to address the intent of commingle animals in common areas for exercise and not in primary enclosures where animals eat and sleep.

Changes to Section 18.00 Special Requirements include; a new paragraph J to address groomers leaving untethered dogs or cats unsupervised on a raised surface, paragraph S. adding muzzles to the list of behavioral devices that require supervision while in use.

Changes to Section 19.00 Recordkeeping include; paragraph C. adding that the licensee must record the weight at time of transfer for kittens under 12 weeks of age, paragraph F. 1 Zoonosis adding to the public relaxing the Rule that transfers of psittacine birds between licensed facilities requires a psittacine bird sales record, F. 2 changed the wording prescribed to approved, F. 3 allowing licensed facilities to use their own forms with places for adopters or customers to initial that they have received the rabies or salmonella educational documents instead of requiring a register, paragraph G. revises the language to allow for additional identification for psittacine birds and revises the language to allow for photo identification for birds that can't be banded, paragraph K. requires licensed facilities to have a written agreement with their foster homes and requires a statement on the agreement acknowledging that the foster home is in compliance with local zoning and animal control codes.

Changes to Section 20.00 include; paragraph I. adding that facilities may request an exemption from removing dogs from a vehicle every 6 hours during transportation if the facility has no disciplinary matters pending.

25.3. Adopted April 12, 2017 – Effective May 30, 2017

Statutory Authority:

The Commissioner of Agriculture adopts these Rules pursuant to the authorities located at §§ 35-80-109(2)(a) and (b), C.R.S.

Purpose:

The purpose of this rulemaking is to provide a new definition to aid with clarity; and revise enclosure requirements for puppies, and kittens.

Specific changes include: add definition for "Sink"; striking "and rescue" under the licensing requirements for facilities under Part 2.6.2; changing the threshold number under Part 2.6.6 for the sheltering of mice, rats and gerbils from 100 to 200 to be consistent with the threshold for

mice and rat breeders; remove “Pet Handler” and adding the word “Facility” to the Reptile/ Amphibian Breeder to make it consistent with the other breeders listed in annual reports; change the age from 16 weeks to 22 weeks in 12.1.6, 12.1.7, 12.2.8, 12.2.10 and 12.2.11 as facilities are housing these animals for longer periods of time; make revisions to the square footage requirements for the puppy and kitten charts to allow for more square footage for longer periods of time; revise the guinea pig and ferret charts to reflect more square inches for larger animals and more square feet for ferrets of certain ages that occupy the same enclosure; increase the age from 4 months to 22 weeks thereby increasing the age where puppies, kittens, and rabbits can be housed in the same enclosure with adults in 14.7; allow facilities to request an exemption for direct supervision of dogs in pools provided the facility demonstrate provisions to provide for the safety and well-being of any dog using smaller pools without supervision; change recordkeeping requirements by deleting the words “each animal” and specifically listing dogs, cats, rabbits, guinea pigs and hamsters in 19.3 to create consistency with 19.2 and the statute; and remove the phone number from the disclosure requirement in 19.9.5.1 to provide breeder information. Other changes include spelling, grammatical, non-substantive changes; updating the numbering system to be consistent with other Department Rules; and update internal citations to reflect new Rules.

Factual Policy and Issues:

The Reviewers removed the transfer and housing thresholds for animal rescues. The Reviewers made this change to the Rule to address a growing number of animal rescue groups that are using web-based mechanisms to move undisclosed numbers of animals around, while operating as an “animal rescue” without a license. With a growing number of unlicensed rescue groups in Colorado, the Reviewers determined that too many dogs and cats were passing through these rescue facilities where PACFA was not able to ensure that minimum standards of animal care may be ensured.

The Reviewers introduced an exemption to the requirement for direct supervision in conjunction with the use of pools at pet animal care facilities. This addition would allow the Commissioner to grant exemptions of specific rules provided the licensee who applies for the exemption is able to demonstrate provisions to provide for the safety and well-being of the animals should the Commissioner grant the requested exemption.

Enclosure sizes were revised and increased at the request of the pet retail/wholesale industry for puppies kittens and ferrets based on the age of the animals, revising the language from 4 months to 22 weeks and increasing the space for animals held for longer periods of time due to more facilities having to house animals for longer periods of time.

Two record keeping changes were made to the disclosure requirements, one to revise the list of animals that require a date of birth for disposition records and the other regarding facilities to provide the phone number of the breeder. The Reviewers felt that providing the phone number could open breeders up for harassment