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## DEPARTMENT OF AGRICULTURE

### Inspection and Consumer Services Division

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

##### 8 CCR 1202-15

##### Part 2. Application for Licensure and Conditions for Licensure

- 2.1. The 12 month-license period commences on March 1. An application for a renewal of licensure must be received in the Commissioner's office on or before March 1st the year following the year the license was issued.
- 2.2. Any person seeking a new license or a change or addition of a license category must apply for the change on a form furnished by the Commissioner. The applicant shall provide all information requested on the form, including, but not limited to, a valid mailing address where the applicant may be contacted and a valid premises address where animals, animal facilities, and records are located. All premises, facilities, or sites where an applicant operates or keeps animals must be shown on the application form. The application must be filed with the Commissioner and must be accompanied by the appropriate fee.
- 2.3. Temporary pet animal facilities must identify themselves as such on an application for licensure as a pet animal facility and provide a street address for each place or premises where they will keep or transfer pet animals.
- 2.4. Each separate physical facility that operates a pet care facility must obtain a separate license.
- 2.5. The Commissioner may issue a license to any applicant who has met all the requirements of PACFA, including but not limited to completing all education requirements, paying all the required annual license fees, and passing the application inspection or routine inspection, except as set forth in § 35-80-112 and 112.5, C.R.S., and Part 9 below.
  - 2.5.1 **In addition to all other requirements for licensure, an applicant for a pet animal facility license must successfully complete the required qualifying education course, ~~as prescribed by the Commissioner~~. Proof of course completion is required prior to license approval.** The required qualifying education course will be an online, self-paced course designed and provided by the Colorado Department of Agriculture. The course shall be free, available to applicants and their staff, and the course may be accessed by contacting the PACFA program at the Colorado Department of Agriculture. The qualifying education course will cover topics including, but not limited to:
    - 2.5.1.1 The Pet Animal Care and Facilities Act program overview;
    - 2.5.1.2 Rule and regulations;
    - 2.5.1.3 Cleaning, sanitation, veterinary care, animal care; and
    - 2.5.1.3 Importation and transportation.

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2.5.2 ~~A~~The applicant for a licensed pet animal facility must successfully complete a continuing education course, ~~as prescribed by the Commissioner,~~ at least once during the span of two (2) 12-month license periods after the first initial license period has expired. Proof of course completion is required prior to license renewal. The required continuing education course will be an online, self-paced course designed and provided by the Colorado Department of Agriculture. The course shall be free, available to applicants and their staff, and the course may be accessed by contacting the PACFA program at the Colorado Department of Agriculture. The continuing education course will cover topics including, but not limited to:

2.5.2.1 Changes to PACFA statutes and rules;

2.5.2.2 Noncompliance trends by licensees;

2.5.2.3 Good practices that promote the health and welfare of pet animals; and

2.5.2.4 Other relevant topics related to the PACFA program.

2.5.3 A pet animal facility licensed prior to October 30, 2021 is required to take the qualifying education course as described in 2.5.1 to satisfy the continuing education requirement in Part 2.5.2 by a date prescribed by the Commissioner, but no later than December 31, 2024.

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.

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- 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.
- 2.8. A retail pet animal dealership may submit a written request to the commissioner for an exemption to purchase animals from an unlicensed individual on a wholesale basis. Such exemption shall be granted at the sole discretion of the commissioner, and must be obtained before any purchase is made. Each purchase of an animal shall require a separate exemption. Any such submission must demonstrate adequate provisions and safeguards to protect the health and safety of the public and the animals in the facility.

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

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

#### **Statutory Authority:**

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

#### **Purpose:**

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

#### **Factual Policy and Issues:**

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Many regulated professions that serve the general public require a level of qualifying and continuing education as a condition of licensure. Educational requirements for licensed professionals maintain a basic level of competency and establish consistent standards within the profession. Under Title 35, Article 80 of the Colorado Revised Statutes, the Commissioner has the authority to establish qualifications of any applicant for licensure and the ability to issue and renew any license based on established requirements. By incorporating qualifying and continuing education, licensees will have a better understanding of the regulatory requirements, industry standards, and best practices related to animal care; thereby, increasing compliance and improving the health and safety of pet animals throughout the state. The education courses will be required to be completed by the applicant who applies for a new license or to renew an existing license. However, facility staff may voluntarily take the courses at their own discretion.