



COLORADO PROPOSES NEW PET FACILITIES STANDARDS

**** AUGUST 10, 2010 HEARING ****

The Issue.

The Colorado Department of Agriculture has published a proposed rule amending regulations for the Pet Animal Care Facilities Act. Provisions being amended by the proposal set forth standards for primary enclosures, temperature requirements, isolation areas, space requirements, and exercise standards, among other things. **These rule changes are an outgrowth of several meetings among stakeholders, but do not represent a consensus among the participants of such meetings.**

The Impact.

A number of revisions to existing dog breeder facility regulations are proposed. Among the major amendments are the following:

- Floors of primary enclosures must include solid resting surfaces which, in the aggregate, are large enough to hold all occupants of the enclosure at the same time. Existing facilities are exempt from this requirement unless new construction after April 30, 2011 results in changes to more than 25% of the facility.
- If wire floors are used for a primary enclosure, the wire must be coated.
- Enclosures must protect animals from escape.
- **The 4 hour window for temperatures falling below 50 degrees Fahrenheit is eliminated.**
- **The exemption for dogs acclimated to lower temperatures is eliminated.**
- New requirements for establishment of isolation areas are created.
- Requirements for outdoor facilities are amended.
- Whelping areas must have a whelping box with solid flooring.
- Water must be provided at least twice daily for a minimum of an hour at a time.
- Containers must be sanitized.
- Breeding dogs must be individually identified.
- Solid waste must be removed from enclosures daily; soiled material must be removed and replaced.
- Controls must be used to keep facility free of vermin, insects, parasites and pests.
- New requirements are imposed for use of chains to constrain dogs.
- Facility records shall include proof of disclosures regarding treatments administered to dogs.

Space requirements for dogs are amended across the board, with increased size requirements of at least two square feet and as many as four square feet for “small” to “giant” dogs, depending upon the dog’s height (the existing height categories are not changed, only the amount of square footage that must be accorded the animals). Size of exercise areas are increased to a minimum of 4 times the NEW space requirement for each primary enclosure, with height being at least 2 times the height of the dog (at the shoulder).

The proposed rule amends shelter regulations as well.

PIJAC Position.

PIJAC strongly supports appropriate humane care for dogs in all facilities, including shelters. Standards set forth in regulation should not be arbitrary but should be based on sound science. Particularly when unilaterally (sans specific statutory dictates) modifying existing regulatory standards to impose more stringent requirements, the Department should rely on peer-reviewed research that clearly supports the need for a proposed new standard.

Recommended Action.

The Department has scheduled a public hearing for **Tuesday August 10, 2010 at 9:00 a.m.**, to be held at the offices of the Department of Agriculture, 700 Kipling Street, Suite 4000, Lakewood, CO 80215. Those concerned about this proposal are **strongly encouraged to attend this hearing to voice their objections**. The Department will also accept written comments prior to, as well as at, this hearing. **All persons are urged to submit written comments to the Department**. You may wish to make the following points, in your own words:

- In proposing new standards for breeders, the Department should have given substantial weight to the input of those most knowledgeable about breeding practices, yet these views were ignored altogether with regard to some of the proposed amendments.
- New standards should be based on science, not the arbitrary view of advocates who simply prefer such standards.
- There is no sound basis for establishing 50 degrees Fahrenheit as an absolute minimum temperature for all dogs, regardless of breed or acclimation.
- Proposed new primary enclosure size requirements appear to be arbitrary and not based on any objective standard. This is a poor basis for adopting public policy.
- Proposed sizes for exercise areas are arbitrary and not based on any objective criteria.

A copy of the proposed rule is attached to this *PetAlert* on the Breaking News page of PIJAC's website (<http://www.pijac.org/petinformation/breakingnews.asp>). PIJAC will update this *PetAlert* on its website as well when there is a change in status. Those having questions about this proposal should contact PIJAC's Michael Maddox via email at michael@pijac.org or by phone at 202-452-1525, ext. 106.

PIJAC Members! PIJAC Fans! Join US...

The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!



700 Kipling Street, Suite 4000
Lakewood, CO 80215
303-239-4100 ♦ Fax 303-239-4125
www.ag.state.co.us

John R. Stulp, Commissioner
James C. Miller, Deputy Commissioner



Bill Ritter, Jr.
Governor

NOTICE OF PUBLIC RULEMAKING HEARING

FOR AMENDMENTS TO THE

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

8 CCR 1201-11, Parts 12, 18 & 25

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

DATE: Tuesday, August 10, 2010
TIME: 9:00 a.m.
LOCATION: Colorado Department of Agriculture
700 Kipling Street, Suite 4000
Lakewood, Colorado 80215

Amendments are proposed to Rule 12, Dog Breeder Facility Regulations and to Rule 18, Animal Shelter Regulations. The proposed amendments change sizes, cleaning and structural requirements for enclosures housing dogs in breeding facilities and animal shelters, add isolation areas to facilities housing breeding dogs; clarify language with respect to providing water and cleaning and sanitizing food and water containers; and require identification of dogs and enhanced record keeping.

The statutory authority for these rule amendments is § 35-80-109(2) (a) and (b) C.R.S.

Any interested party may file written comment with the Commissioner's office prior to the hearing, or present at the aforementioned hearing written data, views or arguments. A copy of the proposed rule is available on the Department of Agriculture's website at www.colorado.gov/ag or may be obtained by calling 303-239-4104. The proposed rule shall be available for public inspection at the Colorado Department of Agriculture at 700 Kipling Street, Suite 4000, Lakewood, Colorado during regular business hours.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

COLORADO DEPARTMENT OF AGRICULTURE

Animal Industry Division

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

8 CCR 1201-11

12.00 DOG BREEDER FACILITY REGULATIONS

A. FACILITY STANDARDS

1. License Requirements:

No person shall operate a dog breeder facility unless the person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.

2. Structural Plan Evaluation:

- a. Plan Submission. Detailed plans and specifications will be submitted to the Department whenever it is proposed to erect or extensively remodel any dog breeder facility, specifically any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan submission. Each dog breeder facility or any person intending to **become OPERATE** a dog breeder facility shall be responsible for submitting all plans and specifications. Plans **SUBMITTED IN FINAL FORM** shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operation can start.
- b. Plan Specification Content Requirements. Final plans and specifications shall comply with these regulations and shall include descriptions of the ventilation system, plumbing fixtures, and floor, wall, and ceiling finishes. It is not necessary for plans and specifications to be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

3. General Standards:

- a. Interior Surfaces. The interior facility surfaces shall be constructed and maintained so that they are water resistant and can be cleaned and sanitized. These surfaces need not extend more than 18 inches beyond ~~the perimeter of~~ any animal **enclosure CONTACT SURFACE** or sink. **Floors directly beneath all animal enclosure areas, except where those enclosures are of solid sides or so constructed as to prevent the leakage of urine or feces, must be of a material which is water resistant and can be cleaned and sanitized.**

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- b. Electric Power. Electric power shall be provided.
- c. Water. Potable water shall be provided for drinking purposes, with back flow prevention devices installed on any threaded faucets where hoses may be attached for cleaning the facility or on the main water line serving the facility.
- d. Washrooms and Sinks. Accessible washrooms or sinks shall be provided to maintain personal hygiene among animal caretakers. A sink in good repair or a dishwasher shall be provided for washing and sanitizing.
- e. Waste Water Disposal. Waste water from indoor facilities shall be disposed of by connection to a sanitary sewer or any state, county, or locally approved water disposal system. A method shall be provided to rapidly eliminate excess water.
- f. Protect animals ~~kept there~~ from injury, **OR ESCAPE. THE PHYSICAL FACILITY SHALL** ensure containment of pet animals within the pet animal facility and restrict entry of other animals and humans from outside by either a building or a fence designed to be escape-proof.

B. ANIMAL ENCLOSURE STANDARDS

- 1. Primary Enclosure Defined. Primary enclosures are those animal enclosures in which the animal rests or sleeps. Such enclosures may be used temporarily or permanently.
 - a. Primary enclosures shall be structurally sound and maintained in good repair. They shall be constructed and maintained to enable the animals to remain dry and clean.
 - b. The floors of the primary enclosures shall be constructed to prevent injury to the animals' feet and legs. Enclosures for dogs may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the weight of the animals, **THE WIRE IS COATED,** and the mesh is small enough to prevent the animals' feet from passing through. **THERE SHALL ALSO BE A SOLID RESTING SURFACE OR SURFACES WHICH, IN AGGREGATE, ARE OF ADEQUATE SIZE TO HOLD ALL OCCUPANTS OF THE PRIMARY ENCLOSURE AT THE SAME TIME. THIS REQUIREMENT SHALL APPLY ONLY TO APPLICANTS FOR NEW LICENSURE OR NEW CONSTRUCTION ON EXISTING FACILITIES WHEN THE CONSTRUCTION COMMENCES AFTER APRIL 30, 2011, AND WHEN THE CONSTRUCTION RESULTS IN CHANGES TO MORE THAN 25 PERCENT OF AN EXISTING FACILITY OR NEW FACILITIES THAT ARE BUILT AFTER APRIL 30, 2011.**
 - c. Dog Houses with Chains.
 - (1) The use of dog houses with chains (tethering) as a primary enclosure is prohibited.
 - (2) Facilities that breed, train or house Alaskan dog breeds or Alaskan breed crosses, specifically for the purpose of pulling dog sleds, **WITH NO CURRENT DISCIPLINARY MATTERS PENDING,** may request the Commissioner in writing for a waiver of the prohibition against dog houses with chains (tethering) as a primary enclosure. **REQUEST FOR WAIVER 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 SHOULD BE SIGNED BY THE FACILITY OWNER AND THE CONSULTING VETERINARIAN AND DOCUMENTED AS DESCRIBED IN**

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

~~12.00 F.1.c.(i). Such a request for waiver shall be submitted annually with each application or reapplication for licensure.~~ Granting such waiver AND APPROVAL OF THE PLAN is in the sole discretion of the Commissioner.

- (a) No female dogs in whelp or with puppies shall be tethered.
 - (b) If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs and any other objects. Such chains ~~should~~ **SHALL** be a minimum of 6 feet and of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted, ~~nontightening~~ **NON-TIGHTENING** collar or harness. All tethering chains shall have a swivel.
 - (c) If tethering is used, a fence perimeter shall surround the entire tethering area to protect the tethered dogs from predators, stray animals and humans.
- d. Indoor Facilities or Portions thereof.
- (1) Heating and Cooling. Housing for pet animals shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of the specific pet animals. Heating shall be deemed necessary when the inside temperature of the facility falls below 50 degrees Fahrenheit ~~for a period of 4 consecutive hours~~ and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit. ~~The ambient temperature shall be consistent with the requirements of the specific breed, the age of the animal, or that to which the animal is acclimated. Ambient temperatures below 50 degrees Fahrenheit may be acceptable for dogs so acclimated.~~
 - (2) Ventilation. Housing for pet animals shall be ventilated with fresh or filtered air to minimize odors and moisture, and to provide for the health and comfort of the animals at all times. Means shall be provided to exhaust the air from the animal area to the outside of the building, which may be by natural or mechanical means.
 - (3) Lighting. Housing for pet animals shall have well distributed natural or artificial light for routine inspections, and to facilitate routine cleaning and the proper care and maintenance of the pet animals.
 - (4) Only the portions of the building or home designated as a dog breeding facility need meet the requirements set forth in this subparagraph d.
 - (5) ISOLATION AREA. THERE SHALL BE AN ISOLATION AREA AVAILABLE FOR DOGS THAT ARE SUSPECTED OF OR ARE UNDER TREATMENT FOR A COMMUNICABLE DISEASE, WHERE THE DOGS WILL BE SEGREGATED FROM THE REST OF THE DOG POPULATION. THE MINIMUM SPACE REQUIREMENTS FOR PRIMARY ENCLOSURES SET FORTH IN SECTION B.1.F.(1) SHALL BE USED FOR THE**

Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.

MINIMUM FOR THE ISOLATION AREA. ALL SURFACES IN THIS AREA MUST BE WATER RESISTANT AND BE ABLE TO BE CLEANED AND SANITIZED.

e. Outdoor Facilities or Portions thereof.

- (1) Shelter from Sunlight. A shaded area ~~will~~ **SHALL** be provided to all dogs housed in an outdoor primary enclosure to allow protection from the direct rays of the sun. The shaded area provided shall be of a size directly proportional to the size of the dog being protected and shall be positioned so that maximum shade protection is provided. **THE INTERIOR OF THE SHELTER SHALL NOT SUBSTITUTE FOR A SHADED AREA.**
- (2) Shelter from Rain or Snow. A shelter ~~will~~ **STRUCTURE SHALL** be provided to allow all dogs housed in an outdoor primary enclosure to remain dry ~~during~~ **AND PROTECT THEM FORM THE DIRECT EFFECTS OF WIND,** rain or snow.
- (3) Shelter from Cold Weather. Shelter shall be provided which is a moisture-proof structure of suitable size to accommodate the animal and 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.** For sled dogs a ~~solid~~ raised floor shall not be required.

A. SHELTERS IN OUTDOOR FACILITIES MUST CONTAIN CLEAN, DRY BEDDING OR A HEAT SOURCE WHEN THE TEMPERATURES FALL BELOW 32 DEGREES FAHRENHEIT. THIS REQUIREMENT SHALL NOT APPLY TO FACILITIES HOUSING SLED DOGS.

B. DOGS NOT WEATHER ACCLIMATED SHALL NOT BE HOUSED IN OUTDOOR FACILITIES.

- (4) Drainage. Outdoor enclosures shall be so designed and constructed to suitably demonstrate drainage to eliminate natural or other excess water, regardless of surfacing material.

f. Spatial Requirements.

- (1) **Temporary primary-e** Enclosures **THAT DO NOT MEET THE SIZE REQUIREMENT AS DESCRIBED IN B.1.F.(2)** will have a minimum length equal to the length of dog from the tip of its nose to the base of its tail **and shall allow a minimum clearance in height at the shoulders of 3 inches, while the dog is standing normally PLUS THREE INCHES** and permit **NORMAL POSTURAL MOVEMENT AND ALLOW** the dog to turn around **and lie down**. The **primary** enclosures with these dimensions are to be used only when the dog is sleeping or eating, when the run or exercise areas are being cleaned, during behavior modification, or when the caretaker is absent from the facility for a period of less than 10 hours. These **primary** enclosures are not to be used for exercise or socialization areas. **Primary-e** Enclosures with these dimensions will be used to house one dog only at any given time. Confinement in an enclosure of this size shall not exceed **10 CONSECUTIVE HOURS AND SHALL NOT EXCEED A TOTAL OF** 18 hours per day.

Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.

- (2) ~~Permanent~~ primary enclosures which are used for housing other than when the dog is sleeping or eating, or when the exercise areas are being cleaned, and ~~which THAT~~ do not have access to a run or exercise area shall be larger to allow the dogs additional space. Minimum space standards (measured from the outside of the enclosure or by using the manufacturer's published list of measurements):

Size of Dog	Min. Space	Height
Extra Small (<10 inches high)	4.5 4 sq. ft.	18 in.
Small (<16 inches high)	6 8 sq. ft.	18-24 in.
Medium (<22 inches high)	9 12 sq. ft.	24-33 in.
Large (<26 inches high)	12 15 sq. ft.	33-39 in.
Extra Large (<30 inches high)	16 20 sq. ft.	39-45 in.
Giant (any dog >30 inches high)	20 24 sq. ft.	45-48 in.

If more than one dog occupies these primary enclosures, space will be figured for the first dog, with each additional dog needing one-half of the minimum space required.

- (3) Whelping Areas. A whelping area ~~will allow the mother to lie stretched out on her side, permitting all puppies to nurse. The number of puppies and the temperament of the mother will be an additional factor in determining the size of the whelping area. The bitch should have enough room to leave the whelping nest. As the puppies grow, the calculations for additional dogs as specified in Subsection B1f(2) immediately above shall apply.~~ **CONTAINING A WHELPING BOX WITH A SOLID FLOOR IS REQUIRED. THE WHELPING BOX SHALL ALLOW THE MOTHER TO LIE STRETCHED OUT ON HER SIDE PERMITTING ALL PUPPIES TO NURSE AND SHALL BE LARGE ENOUGH TO ACCOMMODATE THE PUPPIES UNTIL WEANED AS THEY GROW. THE WHELPING AREA SHALL BE LARGE ENOUGH TO ALLOW THE MOTHER TO LEAVE THE WHELPING BOX.**
- (4) Nursery. Primary enclosures for puppies from weaning to age 4 months will be large enough to accommodate all occupants, allowing them to turn around, stand up, lie down, exercise normal postural movements, and to encourage socialization and exercise. The calculations for additional dogs as specified in Subsection B1f(2) above shall apply.
- (a) Nursery enclosures with wire flooring must have a solid resting surface large enough to accommodate all dogs housed in the enclosure.**
- (5) Runs or primary enclosures that are indoor/outdoor in combination shall be deemed one exercise run or primary enclosure for measuring purposes and shall be measured from the extreme inside to the extreme outside.
- (6) ~~Runs and~~ Exercise Areas. ~~The length of runs and exercise areas shall be a minimum of three times the length of the dog from the tip of the nose to the base of the tail; the width shall be not less than one-third of this figure plus six inches; and the height shall be 1½ times the height of the dog at the shoulders, with the maximum required height of 48 inches and the minimum allowed of 18 inches.~~ **THE SIZE OF THE EXERCISE AREA SHALL BE A MINIMUM OF 4 TIMES THE REQUIRED SPACE OF THE PRIMARY ENCLOSURE AS DESCRIBED IN SECTION**

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

B.1.F.(2). THE HEIGHT OF THE EXERCISE AREA SHALL BE A MINIMUM OF TWO TIMES THE HEIGHT OF THE DOG AT THE SHOULDER.

All dogs housed in ~~temporary primary~~ enclosures as specified in Subsection B1f(1) above shall be provided with runs or exercise areas and shall be permitted a minimum of 60 minutes of exercise within a 24 hour period. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

- (a) Runs and exercise areas may have wire flooring provided that the wire is of a gauge adequate to prevent sagging under the weight of the animal or injury to the animal's feet, **THE WIRE IS COATED,** and the mesh is small enough to prevent the animal's feet from passing through.
- (b) Exercise areas do not need shelter or dog houses if they are not primary enclosures, but must have shade provided with the shaded area of a size directly proportional to the size of the dog to be shaded.

- (7) Turn out pens, paddocks, extra large exercise areas, or open fields will be permitted for supervised training or exercise. Since dogs will not be left unsupervised, no shelter, dog house, shade or other structures are required to be in these areas.

C. CARE AND HANDLING OF PET ANIMALS

1. Food and Water:

- a. Pet animals shall be fed consistent with the nutritional needs for the age of the animal, at least once a day, except when under special veterinary care. The food shall be of such nutritional value necessary to meet the normal daily requirements for the condition and size of the animal. Perishable food shall be refrigerated.
- b. Except when under special veterinary care, if potable water is not continually available to dogs, it must be offered to the dogs as often as necessary to **prevent dehydration or heat prostration ENSURE THEIR HEALTH AND WELL-BEING, BUT NOT LESS THAN TWICE DAILY FOR AT LEAST ONE HOUR EACH TIME.**
- c. Open food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta. Disposable containers may be used if discarded after each use. Self feeders and waterers may be used if cleaned **regularly AND SANITIZED MONTHLY OR MORE OFTEN AS NEEDED.**
- d. Other Cleaning. Water and food containers and all other utensils shall be cleaned and sanitized using heat or chemical sanitizing solution. A dishwasher which utilizes heat or chemical sanitizing solution may suffice. These containers shall be cleaned and sanitized as often as necessary **OR AT MINIMUM MONTHLY** to maintain sanitary conditions.

2. Classification and Separation:

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- a. Housing. Animals housed together in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions.
- ~~b. Females in season (estrus) shall not be kept in the same primary enclosure, run, or exercise areas with males, except for breeding purposes.~~
- ~~e b.~~ Any dog exhibiting an aggressive behavior shall be housed individually in a primary enclosure, run, or exercise area.
- ~~d c.~~ Puppies under the age of 4 months shall not be housed in the same primary enclosure, run, or exercise area with adult dogs other than their dam or foster dam, unless under direct supervision.
- ~~e d.~~ No more than 5 dogs over six months of age may be housed in any one common area at any one time. Facilities may request annually, in writing, from the Commissioner a waiver from this requirement if they can demonstrate provision for the safety **AND WELL BEING** of dogs housed within common areas **AND IF THE FACILITY HAS NO DISCIPLINE MATTERS PENDING.**
- ~~f e.~~ Any bitch in whelp will be housed individually in a primary enclosure, pen, or exercise area a minimum of one week prior to the whelping date.
- ~~g e.~~ Pet animals under quarantine or treatment for a suspected communicable **OR INFECTIOUS** disease shall be **physically-separated ISOLATED** from other susceptible animals to minimize the dissemination of disease.
- ~~h g.~~ Each pet animal shall be observed by the animal caretaker in charge, or by someone under the caretaker's direct supervision, on a daily basis. Sick, diseased or injured dogs shall be provided with timely veterinary care or disposed of in a humane manner, pursuant to § 35-80-102(7).
- ~~i h.~~ Dogs shall be groomed to prevent severely matted hair and overgrown nails and so that they have freedom of movement and can perform normal bodily functions.
- ~~i.~~ **EACH BREEDING DOG SHALL BE INDIVIDUALLY IDENTIFIED BY COLLARS, MICROCHIPS, OR TATTOOS, WRITTEN REQUEST MAY BE MADE TO THE COMMISSIONER FOR A VARIANCE TO THESE FORMS OF IDENTIFICATION.**

D. TRANSPORTING DOGS

- 1. Enclosures to Transport Dogs.
 - a. Temporary enclosures, such as compartments, transport cages, or crates, if used to transport dogs shall be secured, water resistant, well constructed of cleanable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the dogs at all times.
 - b. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:
 - (1) Each animal in the vehicle has access to sufficient air for normal breathing.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the dogs being transported.
 - c. Enclosures used to transport dogs shall be large enough to ensure that each animal contained therein has sufficient space to turn, stand, and lie down. Animals which are not conditioned to each other may not be transported in the same primary enclosure.
 - d. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
 - e. Enclosures used to transport dogs shall be cleaned and sanitized between trips, or more often if necessary.
 - f. Dogs shall be removed from the vehicle while in active transport a minimum of every 8 hours and allowed to urinate, defecate, and obtain exercise. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.
2. Food and Water. Food and water shall be provided consistent with the requirements of Subsection C above.
 3. Classification and Separation. The same requirements of Subsection C above apply.
 4. Vehicles.
 - a. Vehicles used **primarily** in transporting dogs shall be equipped to provide fresh or filtered air to all animals being transported without injurious drafts.
 - b. The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.
- E. SANITATION
1. General Standards.
 - a. Cleaning of Pet Animal Enclosures
 - (1) Dogs shall be protected from exposure to water or chemical solution used in cleaning the primary enclosure. All surfaces of occupied primary enclosures shall be cleaned and sanitized as often as necessary to reduce disease hazards and odors, and to maintain sanitary conditions. **SOLID WASTE SHALL BE REMOVED A MINIMUM OF ONCE DAILY.**

Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.

- (2) Hard Surfaced Runs and Pens. Cleaning shall be accomplished by washing all soiled surfaces with a detergent, followed by a safe and effective sanitizer.
- (3) Runs, Pens, and Exercise Areas. Gravel, sand, or soil shall be **sanitized by removing the soiled gravel, sand, or soil REMOVED and replacing it REPLACED** when the material is permeated with urine and/or fecal matter that is not removable without removing the material, or when odors are present. **WEEDS AND GRASS SHALL BE MOWED OR CUT DOWN IN ENCLOSURES WHERE ANIMALS ARE KEPT OR EXERCISED.**

(4) ISOLATION AREAS SHALL BE CLEANED AND SANITIZED DAILY WHEN ANIMALS ARE HOUSED WITHIN THEM FOR THE PURPOSE OF DISEASE CONTROL.

- b. Housekeeping. Premises (building and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices. Premises shall remain free of accumulations of trash **AND WEEDS.**
- c. Waste Disposal. Animal and food wastes, bedding, dead animals, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards, and nuisances are minimized. Such wastes shall be removed at least weekly from the facility. As to dead animals, the licensee may wish to refer to **§ 25-1-612, C.R.S., as amended and** any local ordinance or rules and regulations concerning proper disposal.
- d. Pest Control. **Insects, parasites, and avian and mammalian pests shall be controlled. THE BREEDING FACILITY SHALL USE CONTROLS TO KEEP THE FACILITY AS FREE AS POSSIBLE FROM VERMIN, INSECTS, PARASITES, AND AVIAN AND MAMMALIAN PESTS. FOOD EXPOSED TO RODENTS SHALL BE DISCARDED.**
- e. Storage. Supplies of food and bedding shall be stored **A MINIMUM OF 4 INCHES** off the floor or in waterproof closed containers and protected against infestation or contamination by vermin.

2. Whelping Areas/Nursery

- a. Whelping areas and nurseries shall be kept clean and sanitized to minimize disease spread by infectious agents.
- b. When a separate whelping area/nursery is provided, only a visual inspection by the Department will be conducted if whelping is in progress or if the nursery is occupied. If entry is deemed necessary by the inspector, then unused, clean protective clothing and footwear must be worn.

F. RECORDS

1. Requirements:

- a. Sales Records. Sales records shall include the date of transaction, breed, specific identifying characteristics (if available), gender and date of birth or age of the dog, and the name and address of the purchaser.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- b. Purchase Records. Purchase records shall include the date of the transaction, the name and address of the seller, and the number, breed, specific identifying characteristics (if available), gender and date of birth or age of the animals received.
- c. A maintenance record shall be kept on each dog housed permanently at the facility. These records shall include the name of dog, breed, date of birth, gender, color, ~~and~~ any other identifying characteristics, **AND REQUIRED PERMANENT IDENTIFICATION INFORMATION.**

(1) IF DOG HOUSES WITH CHAINS ARE USED AS A PRIMARY ENCLOSURE, THE FACILITY SHALL KEEP A RECORD MONTHLY OF THE TRAINING AND CONDITIONING OF EACH DOG, SHOWING 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. THE FACILITY SHALL ALSO RECORD THE NUMBER OF MONTHS OF THE OFF SEASON AND NUMBER OF DAYS PER WEEK DOGS ARE TRAINED OR CONDITIONED OFF THE TETHER DURING THIS SEASON AND FOR HOW MUCH TIME EACH DAY.

- d. Veterinary Treatment Records. Treatment records shall be kept on all dogs that receive any medications and/or immunizations used in the treatment or prevention of illness, or the treatment of injury, while in the care of the dog breeder facility. These records shall include the identification of the dog receiving medical treatment, the name of the medication and/or immunization used, the amount of medication used, and the time and date on which the medication and/or immunization was administered.
- e. Written disclosure of all treatments involving immunizations, medications, anthelmintics (dewormers) and all other treatments for parasites, administered thirty days prior to transfer, shall be provided to the purchaser of the dog at the time of the sale. A record detailing the product used, the dosage and the date administered shall be provided to the purchaser at the time of sale. **PROOF OF DISCLOSURE SHALL BE KEPT WITH FACILITY RECORDS.**
- f. Availability. The above records shall be available to any inspector authorized by the Department at all reasonable times during business hours, or at other mutually agreeable times.
- g. Yearly Reports. The licensee shall report to the Commissioner on a yearly basis the numbers of transfers and litters to accurately determine licensing status. These figures shall be reported as set forth in Section 5.00 of these rules and regulations.

G. SALE OR TRANSFER

- 1. Reasonable care shall be taken to release for sale, trade or adoption only those dogs that are free of undisclosed disease, injury or abnormality.
- 2. It is unlawful to sell, transfer or adopt dogs under the age of 8 weeks.

H. INSPECTIONS

The facility inspector shall follow Department protocols concerning disinfection of footwear.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

18.00 ANIMAL SHELTER REGULATIONS

A. DEFINITIONS AND ABBREVIATIONS

1. “animal shelter” - a public or private facility which, minimally, houses animals for impoundment purposes; or a centralized private facility which accepts or houses more than 15 dogs or cats, or for other species except fish, more than the limits on transfers for hobby breeders as defined in PACFA § 35-80-102, or within the PACFA rules and regulations for any disposition including harboring. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.
2. “foster home” - a site that, through a written agreement with a licensed shelter facility, provides care and/or rehabilitation for sick, injured, orphaned, juvenile or other pet animals which are otherwise the responsibility of the shelter. No more than 8 adult 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 as 1 adult.
3. “mobile adoption” - a site other than the central shelter facility at which pet animals may be offered for adoption to the general public.

B. FACILITY STANDARDS

In the event a public shelter is unable to comply with any of the facility standards due to lack of funding, the public shelter shall so inform the Commissioner in writing. The public shelter shall update this information annually.

1. License Requirements:

No person shall operate an animal shelter unless that person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.

2. Structural Plan Evaluation:

- a. **Plan Submission.** Detailed plans and specifications shall be submitted to the Department whenever it is proposed to erect or extensively remodel any animal shelter, specifically any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan submission. Each animal shelter or person intending to become an animal shelter shall be responsible for submitting all plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operation can start.
- b. **Plan Specification Content Requirements.** Final plans and specifications shall comply with these rules and regulations and shall include schedules describing the ventilation system, plumbing fixtures and floor, wall, and ceiling finishes. It is not necessary for plans and specifications to be professionally drawn, providing

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

3. Physical Facility Standards:

a. Structural Standards

- (1) Be constructed of building materials that will ensure the facility is of a sound physical structure.
- (2) Be maintained in good repair.
- (3) Protect animals kept there from injury, ensure containment of pet animals within the pet animal facility, and restrict entry of other animals and humans from outside by either a building or a perimeter fence designed to be escape-proof.

b. Interior Building Surfaces. Interior building surfaces of the pet animal areas, including walls, ceilings, and floors shall be constructed so as to be water resistant and capable of being readily cleaned and maintained.

c. Electric Power. Electric power shall be provided.

d. Water. Potable water shall be provided for drinking purposes, with a backflow prevention device installed on any threaded faucets where hoses may be attached for the purpose of cleaning the facility or on the main water serving the facility.

e. Washrooms and Sinks. Readily accessible washrooms or sinks shall be provided, convenient to all work areas, to ensure maintenance of personal hygiene by animal caretakers. A sink in good repair shall be provided for washing and sanitizing equipment. A dishwasher which utilizes heat or chemical sanitizing solution may suffice. Single service soap and towel dispensers must be available at all hand washing sinks.

f. Heating and Cooling. The pet animal facility and any animal enclosure shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of specific pet animals. Heating shall be deemed necessary when the inside ambient temperature of the facility falls below 50 degrees Fahrenheit **for a period of 4 consecutive hours** and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit. The interior ambient temperature shall be consistent with the requirements of the specific species, the age of the animal, or that to which the animal is acclimated.

g. Ventilation. Indoor housing of pet animals shall 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. Means for ventilation can be mechanical or natural, providing odors are minimal and the temperature range set forth immediately above is maintained, within the requirements consistent with the species.

h. Lighting. Uniformly distributed natural and/or artificial lighting shall be provided to permit routine inspections and to facilitate routine cleaning. While avoiding

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

excessive illumination to any pet animal, each pet animal shall have light available for a minimum of 8 hours per day.

- i. Sewage Disposal. Sewage and waste from indoor facilities shall be disposed of by connection of drains to a sanitary sewer or other locally approved sewage disposal system. A method shall be provided to rapidly eliminate excess water from the facility floor.
- j. Grooming areas. Grooming work areas shall be physically separated from primary animal enclosures, animal food storage areas, and isolation areas. Grooming areas must otherwise meet the requirements for grooming facilities.
- k. Isolation Area. Except as set forth immediately below, there shall be an isolation area available for pet animals that are suspected of or are under treatment for a communicable disease and are not at a veterinary medical facility where the animals will be segregated from the rest of the pet animal population. This area shall have adequate ventilation, as described in Subsection B3g above. The minimum space requirements for primary enclosures for each species set forth in Subsection C below shall be used for the minimum space requirements for the isolation area.

Unless a specific exemption is obtained from the Commissioner, in all shelters which impound, adopt, sell or harbor dogs, cats, birds or small animals the isolation area shall be a separate room with separate exhaust ventilation (nonrecirculating) effective per the time table below. This isolation room shall have floor to ceiling walls.

C. PET ANIMAL ENCLOSURE STANDARDS

1. Definition:

Primary enclosures means any structure or device used to restrict an animal or animals to a limited amount of space, such as a building, room, pen, run, or cage.

2. Structural requirements:

- a. General. Primary enclosures shall be structurally sound and maintained in good repair to protect animals from injury, to contain them, and to keep predators out. Primary enclosures shall be constructed such that they can be routinely maintained to allow animals to stay dry and clean and to provide convenient access to food and water. Primary enclosures for dogs and cats shall be in separate rooms, except for the isolation room.

- b. Cage/Run Floors. The floor of the primary enclosure shall be ~~constructed to prevent injury to the animals' feet and legs~~ **A SOLID SURFACE.**

~~(1) Enclosures may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the weight of the animals, and the mesh is small enough to prevent their feet from passing through. There shall also be a solid resting surface or surfaces which, in aggregate, are of adequate size to hold all occupants of the primary enclosure at the same time.~~

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- (~~2~~ 1) Floors in runs should slope to drain water out of runs and prevent puddling in the runs or walkways. The slope should be of 1/4 to 1/2 inch per linear foot.
- c. Walls Between Runs. Solid walls between runs should be at least 4 feet high. The walls shall prevent water and waste material from flowing from run to run and prevent nose-to-nose contact of animals between runs.
- d. All the surfaces of the primary enclosure must be constructed of a material that is water resistant and can be cleaned and sanitized.
- e. Drainage. Drainage from each run must prevent cross contamination of other runs from urine and feces.
- f. Space Requirements. All primary enclosures shall allow the pet animal to turn around and exercise normal postural movements without touching the sides of the cage. The following minimum space requirements shall be met:
- (1) Primary Enclosures for Dogs.
- Minimum space requirements:
- (a) Each primary enclosure, in which a dog spends the majority of its day, shall have the following minimum requirements:
- x-small dogs up to 10 inches high - 4.5 sq. ft.;
 - small dogs up to 16 inches high - 6.0 sq. ft.;
 - medium dogs up to 22 inches high - 9.0 sq. ft.;
 - large dogs up to 26 inches high - 12 sq. ft.;
 - extra large dogs up to 30 inches high - 16 sq. ft.;
 - giant breeds over 30 inches high - 18 sq. ft.
- (b) Dogs housed for a period of time greater than five days shall be housed in enclosures with the following minimum requirements:
- x-small dogs up to 10 inches high - 6.0 sq. ft.;
 - small dogs up to 16 inches high - 9.0 sq. ft.;
 - medium dogs up to 22 inches high - 12.0 sq. ft.;
 - large dogs up to 26 inches high - 16.0 sq. ft.;
 - extra large dogs up to 30 inches high - 20.0 sq. ft.;
 - giant breeds over 30 inches high - 24.0 sq. ft.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- (c) Dogs housed for a period of time greater than fourteen days shall be housed in enclosures with the following minimum requirements:

x-small dogs up to 10 inches high - 12.0 sq. ft.;

small dogs up to 16 inches high - 18.0 sq. ft.;

medium dogs up to 22 inches high - 24.0 sq. ft.;

large dogs up to 26 inches high - 32.0 sq. ft.;

extra large dogs up to 30 inches high - 40.0 sq. ft.;

giant breeds over 30 inches high - 48.0 sq. ft.

- (d) When primary enclosure sizes do not meet the above minimum requirements, the dog shall be provided an opportunity to exercise for a period not less than 20 minutes, twice daily. For dogs that require an opportunity to exercise, the licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

In cases where dogs are of a fractious or aggressive nature and pose a hazard to shelter employees, the shelter supervisor(s) may waive the exercise requirement.

In cases where dogs are ill or injured and exercise may pose a health hazard, the shelter supervisor (s) may waive the exercise requirements.

The height shall be 1½ times the height of the dog at the shoulder with a maximum height required of 48 inches and a minimum height of 18 inches.

If more than one dog occupies these primary enclosures, space will be figured for the first dog, with each additional dog needing one-half of the minimum space required.

- (e) No more than 5 dogs over six months of age may be housed in any one common area at any one time.

- (f) If crates are used to house dogs, including weaned puppies, the minimum space requirements are as follows: Dogs, regardless of weight, will have a crate that is a minimum of the length of the dog from the tip of the nose to the base of the tail, plus 3 inches, shall allow a minimum clearance in height at the shoulder of 3 inches while the dog is standing and shall permit the dog to turn around and lay down. Crates of this size are not to be used for exercise areas. Crates of these minimum dimensions shall be used to house one dog only **AND SHALL NOT BE USED FOR A PERIOD OF TIME GREATER THAN TWO WEEKS UNLESS THE MINIMUM SIZE DESCRIBED IN C.2.F.(1)(C) IS PROVIDED.**

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

An exercise area or run is required for animals housed in a crate. Dogs housed in crates shall be provided an opportunity to exercise for a period not less than 20 minutes, twice daily. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

(2) Runs and Exercise Areas for Dogs.

Minimum space requirements:

- (a) Indoor/Outdoor runs that have the primary enclosure and the exercise area in combination shall for measuring purposes be considered one exercise run and shall be measured from the extreme inside to the extreme outside for length determination.
- (b) Outdoor or indoor runs used as primary enclosure and exercise area in combination shall be measured from one extreme end to the other extreme end for length. The same criteria will apply to free standing runs used for exercise areas only.
- (c) Bitches with puppies shall be provided a whelping box which is large enough for her to lie down on her side with her legs extended. The bitch shall have enough room to leave the whelping box.
- (d) In exigent circumstances, impoundment facilities may provide minimum space which 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.
- (e) Bitches in whelp shall be housed individually prior to whelping. No other dog(s) will be housed with a bitch with puppies.
- (f) Puppies under four months of age shall not be housed in the same primary enclosure with other dogs, unless under direct supervision.

(3) CATS:

<u>Weight (lbs)</u>	<u>Aggregate Area (sq. ft.)</u>
< 2 lbs	2.5
2-6 lbs	3
6-10 lbs	<u>4 6</u>
> 10 but < 20 lbs-10-15 lbs	<u>5 7</u>
≥ 15 lbs	<u>8</u>

- (a) Primary enclosures with mesh floors are not acceptable.
- (b) Minimum height shall be 21 inches.
- (c) Primary enclosures in cat impound areas shall have solid walls to minimize interaction and cross contamination between unrelated cats.

Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.

- (d) Litter boxes to contain feces and body fluids must be provided in sufficient number, of adequate size, and located so as to enable each cat in the enclosure to access same. **LITTER BOXES WITHOUT COVERS ARE NOT INCLUDED IN THE REQUIRED SQUARE FOOT SPACE DESCRIBED IN C.2.F.(3).**
- (e) A queen or queen with litter shall not be housed in the same primary enclosure with other cats.
- (f) Kittens under four months of age shall not be housed with adult cats except a dam or foster dam.
- (g) Primary enclosures housing cats in colonies shall provide a minimum of 10 square feet of floor space per cat over 4 months of age. In addition, a solid resting surface or surfaces must be provided. The resting surface must be high enough so 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 4 months shall be provided 7.5 square feet of floor space with an additional square foot of resting surface space that is high enough for the kitten to get underneath. No more than 25 cats may be housed in the same primary enclosure.

(4) RABBITS:

<u>Aggregate Weight (lbs)</u>	<u>Area (sq. ft.)</u>
< 2 lbs	2.5
2-4 lbs	4
5-12 lbs	6
> 10 but < 20 lbs	8

- (a) The minimum height shall be 14 inches.
 - (b) The floor of the rabbit's primary enclosure shall be constructed of material that prevents pododermatitis (foot problems) and that can be adequately cleaned and sanitized.
 - (c) Primary enclosures housing rabbits in colonies shall 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 shall be provided 7.5 square feet of floor space. No more than 25 rabbits may be housed in the same primary enclosure.
 - (d) A doe or doe with litter shall not be housed in the same primary enclosure with other rabbits.
 - (e) Cedar shavings shall not be used in or around rabbit enclosures.
 - (f) No aquariums shall be used to house, store, transfer, board or keep rabbits.
- (5) For animals other than those specified above, the primary enclosures shall be consistent with requirements set forth in the rules and

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

regulations specific to that breed or species (e.g. bird breeder) or as directed by the Commissioner.

- g. Outdoor Facilities or Portions Thereof.
- (1) Shelter. Shelter must be provided for all pet animals housed in outdoor primary enclosures to allow the pet animals to remain warm and dry. Such shelter shall be a water resistant structure of suitable size to accommodate the animal(s) and allow retention of body heat and such shelter shall have a water resistant door covering or offset doorways to minimize drafts and be made of durable material with a solid floor raised off the ground. If the pet animal has a choice of immediate access to an interior portion of the facility, shelter need not be provided.
 - (2) Shade. A shaded area will be provided to all pet animals housed in an outdoor primary enclosure for protection from the direct rays of the sun. The shaded area shall be proportional to the size of the pet animal and shall be positioned so that maximum shade protection is provided. If the pet animal has choice of immediate access to an interior portion of the facility, shade need not be provided as described.
 - (3) Outdoor runs may be constructed of gravel, sand, soil, or of a solid material such as concrete. Gravel, sand or soil shall be **sanitized by removing the soiled material and replacing it** ~~REMOVED AND REPLACED~~ when the material is permeated with urine and/or fecal matter that is not removable without removing the material, when the surface is muddy, or when odors are present.
 - (4) Outdoor facilities shall meet the requirements of this Section 18.00 C. Animals housed outdoors when the mean daily temperature is below 45 degrees Fahrenheit shall be so acclimated. Cats (unless acclimated) or sick, infirm, aged or very young pet animals shall not be housed outside when the mean daily temperature is below 45 degrees Fahrenheit.
- h. Tethering of pet animals is acceptable only when cleaning enclosures or when under constant direct human supervision.

~~Facilities that house Alaskan dog breeds or Alaskan breed crosses specifically for the purpose of pulling dog sleds may request the Commissioner in writing for a waiver of the prohibition against dog houses with chains (tethering) as a primary enclosure. Such a request for waiver shall be submitted annually with each application or reapplication for licensure. Granting such waiver is in the sole discretion of the Commissioner.~~

~~(1) No female dogs in whelp or with puppies shall be tethered.~~

~~(2) If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs and any other objects. Such chains should be a minimum of 6 feet and of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted, nontightening collar or harness. All tethering chains shall have a swivel.~~

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

~~(3) — If tethering is used, a fence perimeter shall surround the entire tethering area to protect the tethered dogs from predators, stray animals and humans.~~

3. If an after hours night drop is provided, it shall meet the requirements of outdoor facilities. Night drop areas may not be used as primary enclosures and animals must be removed and placed in a primary enclosure each day.

D. CARE AND FEEDING

1. General Conditions.

- a. Cleaning of pet animal enclosures. Animal wastes shall be removed from primary enclosures daily or more frequently if necessary to prevent contamination of the pet animals and to reduce disease hazards and odors.
 - (1) Occupied dog runs shall be cleaned ~~and sanitized~~ daily **AND SANITIZED WHEN ONE DOG CEASES TO OCCUPY THE SPACE AND A NEW DOG BEGINS OCCUPYING THE SPACE OR MORE OFTEN AS NECESSARY TO CONTROL DISEASE TRANSMISSION BUT NOT LESS THAN ONCE WEEKLY**. Animal wastes shall be removed more often if necessary to prevent contamination of the pet animal and to reduce disease hazards and odors.
 - (2) Occupied cat cages shall be cleaned ~~and sanitized~~ daily **AND SANITIZED WHEN ONE CAT CEASES TO OCCUPY THE SPACE AND A NEW CAT BEGINS OCCUPYING THE SPACE OR MORE OFTEN AS NECESSARY TO CONTROL DISEASE TRANSMISSION BUT NOT LESS THAN ONCE WEEKLY**. Cross contamination during cleaning of cat isolation and impound areas shall be minimized by ~~rinsing hands in a disinfectant solution between primary enclosures~~, minimizing direct contact between cats, minimizing handling of the cats, and taking precautions to prevent contaminating other cats.
 - (3) Equipment for isolation rooms must be used exclusively in isolation rooms.
 - (4) All other occupied pet animal enclosures shall be cleaned weekly, between animals, or more frequently if necessary.
- b. Other Cleaning. Food and water containers and all other utensils shall be cleaned and sanitized with the use of heat, chemical solution, or a dishwasher using hot water or chemical sanitizing solutions. Pet animal food and water dishes shall be cleaned and sanitized daily or more often if necessary to maintain sanitary conditions.
- c. Waste Disposal. Animal and food wastes, used bedding, debris and any other organic wastes shall be removed from the pet animal facility daily and shall be removed from the premises weekly.
- d. Premises Housekeeping. The building and grounds shall be kept clean, in good repair and free of trash. Weeds shall be mowed or cut down in enclosures where animals are kept or exercised.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- e. Pest Control. All shelters shall be free from infestation of vermin, insects or other pests. Food contaminated by rodents must be discarded.
- f. Supply Storage. Pet food must be kept in waterproof, closed containers or at least 4 inches off the floor. Opened bags of pet food shall be stored in waterproof, closed containers.

E. CARE OF PET ANIMALS

1. Food and water. Pet animals shall be fed a minimum of once daily, as appropriate for the species, and provided water consistent with the nutritional needs for the age and species, except when under special veterinary care.
 - a. Animal food shall be served in containers and be of such nutritional value necessary to meet the normal daily nutritional needs for the condition and size of the animal.
 - b. Perishable food shall be refrigerated.
 - c. Animal food receptacles shall be safe, in sufficient number, of adequate size and located so as to enable each animal in the primary enclosures to be supplied with an adequate amount of food.
 - d. Animal food and water containers shall be kept clean and sanitary.
 - e. Potable water shall be available to pet animals in clean containers sufficient to ~~prevent dehydration or heat prostration~~ **ENSURE THEIR HEALTH AND WELL-BEING, BUT NOT LESS THAN TWICE DAILY FOR AT LEAST ONE HOUR EACH TIME,** consistent with the species, except when under special veterinary care.
 - f. Food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta.
 - g. Disposable containers may be utilized if discarded after each use.
 - h. Self waterers may be used if cleaned pursuant to Subsection D.
 - i. The basic diet of birds in the facility shall be based upon the natural needs of each species. Food and potable water shall be made available to the birds at all times.
2. Classification and Separation Requirements. Pet animals housed in the same primary enclosure shall be maintained in compatible groups with similar nutritional and environmental requirements.
 - a. Pet animals exhibiting aggressive behavior shall be housed individually and in primary enclosures that prevent them from biting or injuring the public or other animals.
 - b. Pet animals under quarantine or treatment for a suspected communicable disease shall be physically separated from other susceptible animals or the public to minimize dissemination of disease as set forth in Section 1.00 of these rules and regulations.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- c. Pet animals that have reached sexual maturity shall be kept in primary enclosures separate from the opposite sex unless they are spayed or neutered. Birds and reptiles shall be exempt from this separation.
3. Dogs and cats shall be groomed to prevent severely matted hair and overgrown nails and so that they have freedom of movement and can perform normal bodily functions.

F. VETERINARY CARE/DISEASE CONTROL

1. Veterinary Services. All pet animal shelters which do not have a veterinarian on staff shall have a written agreement with a veterinarian for services and consultation regarding animal health needs, treatments and disease processes. A copy of such an agreement with nonstaff veterinarian(s) shall be kept on the premises. This agreement shall be updated each licensing period.
 - a. Pet animals shall be observed daily for signs of injury or disease by the person in charge of the facility or by an employee working under his/her direct supervision. An animal suspected of having an infectious disease shall be placed in an isolation area until the condition is determined to be noninfectious.
 - b. Sick or injured animals must be provided with timely veterinary care, as appropriate for the illness or injury, or euthanatized humanely under the supervision of the facility's attending veterinarian, as set forth in PACFA § 35-80-102(7).
 - c. As to animals that die at the pet animal facility, the licensee may wish to refer to ~~§ 25-1-612, C.R.S., as amended, and~~ any local ordinance or rules and regulations concerning proper disposal.
 - d. Veterinary treatment records. Treatment records shall be kept on all pet animals (except fish and invertebrates) that receive any medications and/or immunizations used in the treatment or prevention of illness, or the treatment of injury, while in the care of the pet animal shelter. These records shall include the identification of the pet animal receiving medical treatment, the name of the medication and/or immunization used, the amount of medication used, and the time and date on which the medication and/or immunization was administered.
 - e. Written disclosure of all treatments involving immunizations, medications, anthelmintics (dewormers) and all other treatments for parasites, administered 30 days prior to transfer, shall be provided to the adopter of dogs, cats and birds at the time of the adoption or transfer. A record detailing the product used, the dosage and the date administered shall be provided to the purchaser at the time of adoption or transfer.
2. Disease Control Requirements
 - a. Reporting of Zoonotic Diseases. Reporting requirements exist under ~~§ 25-1-662, §25-1-122~~ C.R.S., as amended, as well as possibly other statutes, rules and regulations.
 - b. Cleanliness. Pet animals shall be protected from exposure to water and chemical solution when primary enclosures, cages, runs, or areas are being cleaned. All primary pet animal enclosures, cages, runs, isolation rooms or areas, etc., which contain pet animal(s) (except fish and amphibians) suspected or being treated for

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

an infectious or transmissible disease shall be cleaned and sanitized each day. Fish and amphibian enclosures shall be cleaned and treated as appropriate for the species.

- c. Quarantine. Quarantine requirements exist under §§ 25-~~5~~⁴-604 and 605, 25-4-709, and 35-50-110, C.R.S., as amended, and possibly other statutes, rules and regulations.

G. SALE OR TRANSFER

1. Reasonable care shall be taken to release for sale, trade or adoption only those pet animals that are free of undisclosed disease, injury or abnormality.
2. It is unlawful to sell, transfer or adopt dogs or cats under the age of 8 weeks, or guinea pigs, hamsters or rabbits under the age of 4 weeks.
3. It shall be unlawful to sell, transfer or adopt cats less than two pounds of body weight, unless a written waiver is provided by the shelter's veterinarian stating that the cat is of sufficient physical development and general health to be safely transferred. The facility shall have a scale available adequate to ensure compliance with this requirement.
4. Except as provided in § 35-80-106.4(3)(a), (b), (c) and (d), It shall be unlawful to sell, transfer, or adopt any dog or cat that is not already spayed or neutered prior to leaving the facility unless the prospective owner has paid a deposit to the adopting shelter and signed a written agreement with the shelter to have the animal spayed or neutered.
 - a. The amount of the deposit shall be \$50.
 - b. 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 adoption, sale, or 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 property of the adopting agency and will be deposited annually upon license renewal with the Colorado Pet Overpopulation Fund or a local dedicated spay and neuter fund.
 - c. The written agreement will 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, phone number, and signature; and facility name, address, and phone number.

H. MOBILE ADOPTIONS

A pet animal facility operating a mobile adoption site must be either licensed as a shelter, rescue, or as a pet animal dealership.

I. SPECIAL REQUIREMENTS FOR PSITTACINE BIRDS

1. Possession Restrictions.
 - a. Authorized Bands. In accordance with PACFA, § 35-108-108(1) (i), no person shall import or have in his possession for the purpose of selling, trading, giving or

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

otherwise transferring any psittacine bird that has not been legally banded with a type of leg band authorized by the Commissioner applied during the prefeathered stage of development, and appropriate to the size and species of the bird. The Commissioner authorizes the following bands: a traceable seamless or seamed Colorado leg band, a United States Department of Agriculture Quarantine Station leg band, or a band approved by any state. Seamed or split leg bands may only be applied when ordered through the Commissioner.

- b. Leg Band Assignment. No licensed pet animal shelter shall use another licensee's registered leg band nor shall a licensee sell or transfer their registered leg band to another person.
- c. Application for Band. Application for a traceable seamed leg band must be made to the Commissioner. Necessary documentation to be provided includes all purchase, transfer, or breeding records, health certificates, or quarantine information.
- d. Leg Band Removal. A leg band that is causing injury to a bird may be removed provided the Department is notified. Upon sale, trade, or other means of transfer the bird must be accompanied with a traceable leg band approved by the Commissioner.
- e. From time to time, the Commissioner may require other species of birds to be banded, in the Commissioner's discretion. In such event, the Commissioner shall provide written notification to any licensee affected by mailing to the last address provided by the licensee to the Commissioner.

J. TRANSPORTATION WITHIN A VEHICLE

- 1. Enclosures.
 - a. Animals transported by a vehicle must be confined within the vehicle.
 - b. Temporary enclosures, such as compartments, transport cages, or animal crates, used to transport animals shall be secured, water resistant, well constructed of cleanable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the animals at all times.
 - c. Such enclosures shall be constructed or positioned in the vehicle such that:
 - (1) Each animal has access to sufficient air for normal breathing.
 - (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the animals being transported.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- d. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of material which prevents animal excreta from entering lower enclosures.
 - e. Enclosures shall be large enough so that each animal has space to turn around, stand and lie down.
 - (1) Animals which are not conditioned to each other may not be transported in the same primary enclosure. Multiple species may not be transported in the same primary enclosure.
 - (2) A nursing mother with her young may be transported in the same primary enclosure.
 - f. Enclosures shall be cleaned and sanitized daily, or more often if necessary.
 - g. Pet animals being transported must be offered water sufficient to prevent dehydration.
 - h. Pet animals shall be removed from the vehicle a minimum of every 8 hours and allowed to urinate, defecate, and obtain food and exercise. The licensee shall document in writing and keep on file while the dog is in the care of the facility owner, evidence of the exercise of these dogs.
2. Vehicles.
- a. Vehicles used primarily in the transportation of pet animals shall be equipped to provide fresh air to all animals being transported without injurious drafts.
 - b. The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.

K. EUTHANASIA

Euthanasia shall be consistent with § 35-80-102(7) of PACFA.

L. SURGERY AREAS

- 1. Definitions:
 - a. "surgery" - the act of incising living tissue; an operative procedure; and/or a room or facility where an operative procedure is done.
 - b. "aseptic surgery" - surgery performed in ways or by means sufficiently free from microorganisms so that significant infection or suppuration do not occur.
 - c. "major surgery" - any surgical intervention that penetrates and exposes the body cavity; any procedure that has the potential for producing permanent physical or physiological impairment; and/or any procedure associated with extensive transection or dissection of tissue.
- 2. If a major surgery is conducted, the following shall be required:

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

- a. There shall be a separate room for aseptic surgical procedures only. The room must be a closed, single-purpose room for the performance of only aseptic surgical procedures.
- b. The room must be constructed and equipped such that cleanliness may be maintained.
- c. The floor, walls and ceilings must be washable and water resistant.
- d. Doors must be well-fitted and kept closed. Traffic shall be kept to a minimum.

M. FOSTER HOME INSPECTIONS

1. The licensee shall inspect each of its foster homes at least once a year, with a record of those inspections kept at the address specified in the license application. The inspection form shall include the date and signature of the foster care provider and the signature of the person inspecting the foster care facility.
2. The Commissioner may, upon request or administrative search warrant, have access to any part of a foster home in which fostered pet animals are kept.

N. RECORD REQUIREMENTS

1. Records shall be kept for each pet animal impounded, accepted as an owner surrender or otherwise acquired. These records shall include the date acquired, description and identifying characteristics (if available), including species, breed, color, age, and sex, any background information, reason for impoundment, relinquishment, veterinary care, disposition of the animal, with the date of redemption, adoption, transfer of ownership, or euthanization, and the name, address, and phone number of the receiving person or entity. Each animal shall be identifiable through cage/run cards, identifying collars, leg bands or any other acceptable method of identification (if appropriate for the species). Records shall include information about spay/neuter status upon adoption and amount of deposit if required that is retained by the shelter or rescue.
2. Foster Homes. If foster homes are used, records including the foster agent, address of the foster home and specific information (listed in #1 above) on animals fostered shall be kept for each foster home.
3. Euthanasia Records. Records of each animal euthanized shall be kept, including reference to animal euthanized, method, and dosage as appropriate.
4. Record Accessibility. All required records shall be made available to any inspector authorized by the Department at any reasonable time during regular business hours, or at other mutually agreeable times.
5. Psittacosis Warning. Shelters selling or adopting psittacine birds shall furnish the buyer or adopter of each psittacine bird, a special Psittacine Bird Sales Record prescribed by the Department, giving the business name of the facility, the name, address and phone number of the person buying or adopting the bird, and number, species and leg band identification number for each bird. Printed on this sales record shall be a warning to the buyer/adopter of a possible psittacosis hazard. This warning shall include a description of the disease signs in birds, symptoms in humans and the critical need for prompt medical diagnosis and treatment.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

6. Veterinary Services. The staff veterinarian's license or copy of all written agreements with a licensed veterinarian(s) shall be available.
7. The animal shelter licensee shall report to the Commissioner on a yearly basis the number of dogs, cats and other pet animals that are accepted into the animal shelter or foster home(s). The animal shelter licensee shall also report to the Commissioner on a yearly basis the number of dogs, cats or other pet animals that are returned to the owner, adopted to new owners, transferred to other licensed facilities, euthanized or died while at the facility. The reports shall be submitted on forms supplied by the Commissioner.
8. The animal shelter shall report to the Commissioner on a yearly basis both whether they spayed or neutered all dogs and cats prior to sale, transfer or adoption and what the total dollar amount of deposits paid to the facility and the total dollar amount of unclaimed deposits were.

25.00 STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

N. AUGUST 19, 2010 – EFFECTIVE SEPTEMBER 30, 2010

STATEMENT OF BASIS AND PURPOSE

THE AMENDMENTS TO THESE RULES ARE PROPOSED TO THE COMMISSIONER OF THE COLORADO DEPARTMENT OF AGRICULTURE (“COMMISSIONER”) FOR HIS ADOPTION PURSUANT TO HIS AUTHORITY AS SET FORTH IN THE PET ANIMAL CARE AND FACILITIES ACT (“PACFA”), § 35-80-109(2)(A), (2)(B), C.R.S.

THE PURPOSE OF THE AMENDMENTS TO THESE RULES IS TO EFFECTUATE THE LEGISLATIVE DIRECTIVE TO PROMULGATE NECESSARY AND APPROPRIATE RULES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PET ANIMAL CARE AND FACILITIES ACT (PACFA).

NOTICE HAS BEEN GIVEN TO LOCAL GOVERNMENT AGENCIES AND ORGANIZATIONS THAT MAY BE AFFECTED BY THIS RULEMAKING.

SPECIFIC PURPOSE OF THIS RULEMAKING

THE CHANGES IN RULE 12, THE DOG BREEDER FACILITY REGULATIONS, INVOLVED SPECIFIC CHANGES TO THE FACILITY STANDARDS SECTION, WHICH INCLUDE SOME MINOR CHANGES TO CLARIFY LANGUAGE OR TO AMEND SYNTAX, TO REMOVE REDUNDANT LANGUAGE, TO MAKE THE LANGUAGE CONSISTENT WITH OTHER LANGUAGE IN A PARTICULAR SECTION, AS IN SECTIONS A.2.A, A.3.A, A.3.F

THE ANIMAL ENCLOSURE STANDARDS SECTION IS MODIFIED IN SECTION B.1.B WITH A NEW REQUIREMENT THAT WIRE IN PRIMARY ENCLOSURES BE COATED AND THAT THE PRIMARY ENCLOSURES HAVE SOLID RESTING SURFACES FOR THE DOGS. BOTH OF THESE REQUIREMENTS ARE FOR THE HEALTH AND SAFETY OF THE DOGS WHILE IN THEIR ENCLOSURES, AND BOTH OF THESE REQUIREMENTS ARE REFLECTED THROUGHOUT RULE 12 WHENEVER ENCLOSURES WITH WIRE FLOORING ARE DISCUSSED. THE SECOND OF THE TWO CHANGES IS REQUIRED ONLY FOR NEW FACILITIES OR FACILITIES UNDERGOING PHYSICAL CHANGES THAT AFFECT MORE THAN 25 PERCENT OF THE EXISTING FACILITY.

THIS SECTION ALSO UNDERGOES CHANGES REGARDING ALASKAN DOG BREEDS OR BREED CROSSES IN B.1.C. IN ORDER FOR PACFA TO ENSURE THAT THESE DOGS ARE IN FACT BEING USED FOR THE PURPOSE OF PULLING SLEDS, FACILITY OWNERS WHO WANT A WAIVER FROM THE GENERAL TETHERING REQUIREMENT MAY SUBMIT A REQUEST FOR A WAIVER TO THE COMMISSIONER OF AGRICULTURE. THE REQUEST MUST ACCOMPANY A DETAILED PLAN FOR TRAINING AND CONDITIONING, WHICH PLAN THE COMMISSIONER MUST APPROVE IF

Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.

APPROVING THE REQUEST FOR WAIVER. FINALLY, DOGS OF THIS TYPE THAT ARE KEPT IN DOG HOUSES WITH CHAINS MUST NOW BE ON CHAINS THAT ARE AT LEAST SIX FEET IN LENGTH.

INDOOR FACILITIES REQUIREMENTS ARE AMENDED IN B.1.D SO THAT HEATING AND COOLING REQUIREMENTS ARE SPECIFIC AND CONSISTENTLY MAINTAINED BETWEEN 50 AND 90 DEGREES FAHRENHEIT AT ALL TIMES WITH HEATING OR AIR CONDITIONING REQUIREMENTS TO MAINTAIN THAT WINDOW. THIS CHANGE ELIMINATES ANY DISTINCTION FOR VARIOUS BREEDS OF DOG. THIS SECTION ALSO RECEIVES THE ADDITION OF A REQUIREMENT FOR AN ISOLATION AREA FOR DOGS WITH COMMUNICABLE DISEASES. THIS CHANGE PROTECTS ALL OTHER DOGS ALSO WITHIN THE INDOOR FACILITIES.

SECTION B.1.E IS MODIFIED TO ENSURE THAT DOGS IN OUTDOOR FACILITIES ARE PROTECTED FROM THE ELEMENTS – SUN, WIND, COLD, RAIN, AND SNOW – BY ADEQUATE SHELTER, INSULATION, AND PROTECTION FROM DIRECT ELEMENTS. ADDITIONAL REQUIREMENTS REGARDING OUTDOOR SHELTERS ADDRESS BEDDING, HEATING AND DOGS NOT ACCLIMATED TO COLD OR HOT WEATHER.

CHANGES TO THE SPATIAL REQUIREMENTS IN B.1.F. REFLECT THAT FACILITIES HAVE PRIMARY ENCLOSURES, WHERE THEIR DOGS SPEND MOST OF THEIR NON-ACTIVE TIME, AND OTHER ENCLOSURES, WHERE THE DOGS GO FOR SHORTER PERIODS OF TIME. THE CHANGES TO THE LANGUAGE REFLECT THE SPATIAL AND PHYSICAL NEEDS OF THE DOGS IN THOSE ENCLOSURES BASED ON THE PURPOSE OF THE ENCLOSURE. CHANGES REGARDING THE WHELPING AREA SPATIAL REQUIREMENTS RELAX REQUIREMENTS RELATED TO PUPPY GROWTH AND MOVE THE FOCUS MORE TOWARDS THE MOTHER’S NEEDS. WHELPING AND NURSERY AREAS WITH WIRE FLOORS MUST NOW PROVIDE A SOLID SURFACE TO ACCOMMODATE ALL ANIMALS IN THE ENCLOSURE TO ALLOW THE YOUNG PUPS A CHOICE OF FLOORING. THE EXERCISE AREAS WILL BE MEASURED DIFFERENTLY IN THIS CHANGE TO ALLOW FOR MORE SPACE FOR EXERCISE.

CHANGES PROPOSED FOR THIS SECTION WERE NECESSARY TO ENABLE BETTER ENFORCEMENT OF THE REQUIREMENT TO PROVIDE WATER TO DOGS BEFORE THEY BECOME DEHYDRATED OR HEAT PROSTRATED AND ESTABLISH A MINIMUM REQUIREMENT FOR THE PROVISION OF WATER. THE MINIMUM REQUIREMENTS FOR CLEANING AND SANITIZING FOOD AND WATER CONTAINERS NEEDS TO BE MORE CLEARLY ESTABLISHED.

THE REQUIREMENT TO KEEP FEMALES IN SEASON SEPARATE FROM MALES IN A FACILITY LICENSED TO BREED DOGS IS UNNECESSARY AND CONFUSING. FOR THIS REASON THE RECOMMENDATION IS TO REMOVE THE LANGUAGE FROM THIS RULE.

IN C.2.D, THE COMMISSIONER SEEKS TO ALLOW WAIVERS TO LICENSEES IN LIMITED CIRCUMSTANCES. ENSURING THAT ONE IS COMPLIANT WITH ALL PACFA RULES AND REGULATIONS BEFORE GRANTING A WAIVER OF ANY OTHER RULE AND REGULATION PROVIDES GREATER PROTECTION FOR THE ANIMALS IN THE FACILITY.

ADDING THE WORD “INFECTIOUS” IN C.2.F FURTHER DEFINES WHAT ANIMALS SHALL BE REMOVED FROM THE GENERAL POPULATION AND HELPS TO COMMUNICATE IN SIMPLER AND BROADER TERMS TO THE REGULATED COMMUNITY WHAT ANIMALS NEED TO BE REMOVED. FURTHER, “ISOLATED” CLARIFIES THAT AN ANIMAL THAT “PHYSICALLY SEPARATED” IS MEANT TO BE AN ABSOLUTE REMOVAL FROM CONTACT WITH THE GENERAL POPULATION.

THE C.2.I REQUIREMENT TO PERMANENTLY IDENTIFY DOGS IN THE FACILITY WILL ASSIST THE INSPECTION PROCESS BY PERMANENTLY LINKING A DOG WITH A MAINTENANCE RECORD GIVING THE ABILITY TO DETERMINE IF AN INDIVIDUAL DOG IS RECEIVING THE PROPER CARE AT THE FACILITY.

SANITATION REQUIREMENTS, AS SET FORTH IN SECTION E, ARE AMENDED TO INCLUDE MORE SPECIFIC REQUIREMENTS REGARDING SOLID WASTE DISPOSAL, E.1.A(1), AND TO ADD NEW LANGUAGE REGARDING THE ISOLATION AREAS, E.1.A(4). IN ADDITION, LANGUAGE ABOUT WEED REMOVAL AND MOWING WAS MOVED FROM THE “HOUSEKEEPING” SECTION INTO ITS MORE APPROPRIATE SECTION REGARDING THE CLEANING OF PET ANIMAL ENCLOSURES.

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.*

IN AN EFFORT TO CLARIFY WHAT PESTS SHOULD BE CONTROLLED AND WHAT EFFORTS SHOULD BE MADE FOR THEIR CONTROL, E.1.D RECEIVED LANGUAGE CHANGES TO CLARIFY THE PEST LANGUAGE INFORMATION. TO CLARIFY FOOD STORAGE REQUIREMENTS AN MINIMUM STANDARD HAS BEEN ADDED.

SECTION F, RECORDS, IS AMENDED FIRST TO REFLECT THE CHANGES IN C.2.I, WHICH REQUIRES THAT BREEDING DOGS MUST BE INDIVIDUALLY IDENTIFIED BY COLLARS, MICROCHIPS, OR TATTOOS. THIS PERMANENT IDENTIFICATION MUST BE KEPT AS PART OF THE ANIMAL'S MAINTENANCE RECORD. FURTHER, BECAUSE B.1.C(2) REQUIRES THAT TRAINING AND CONDITIONING PLANS MUST BE SUBMITTED TO THE COMMISSIONER WITH ANY REQUEST FOR WAIVER FROM USING HOUSES WITH CHAINS AS PRIMARY ENCLOSURES, PACFA NEEDED A WAY TO TRACK WHETHER THE FACILITY OPERATORS WOULD COMPLY WITH THE PLANS. E.1.C(1) SETS FORTH THE RECORDS NECESSARY FOR PACFA TO DETERMINE COMPLIANCE WITH THE CONDITIONING PLANS.

PACFA ALSO REVIEWED AND AMENDED PORTIONS OF RULE 18, THE ANIMAL SHELTER REGULATIONS. IN SECTION C, THE PET ANIMAL ENCLOSURE STANDARDS, THE STRUCTURAL REQUIREMENTS WERE MODIFIED SUCH THAT FLOORS OF PRIMARY ENCLOSURES MUST NOW BE SOLID WITH NO EXCEPTIONS ALLOWED FOR WIRE FLOORING. AFTER DISCUSSION WITH INDUSTRY, PACFA DETERMINED THAT THE CURRENT INDUSTRY STANDARD WAS NOT CONSISTENT WITH THE USE OF WIRE FLOORING.

TO CLARIFY RESTRICTIONS AND REGULATIONS RELATED TO CRATING DOGS, PACFA AMENDED C.2.F(2)(F) SO THAT ANY DOG WOULD NOT REMAIN IN ANY CRATE FOR LONGER THAN TWO WEEKS AS ITS PRIMARY ENCLOSURE UNLESS THE ENCLOSURE COULD PROVIDE AMPLE SPACE FOR MOVEMENT AND EXERCISE. THE USE OF CRATES AS PRIMARY ENCLOSURES IN ANIMAL SHELTERS IS SEEN AS A TEMPORARY SOLUTION AND SOME PROBLEMS HAVE BEEN FOUND IN FACILITIES THAT ARE UNABLE TO PROVIDE AN ADEQUATELY SIZED ENCLOSURE FOR DOGS RESIDING IN SHELTERS FOR EXTENDED PERIODS OF TIME.

THE MINIMUM SPACE REQUIREMENTS FOR CATS WAS CHANGED BECAUSE THE CURRENT REQUIREMENT FAILED TO ACCOUNT FOR THE INCREASED NUMBER OF LARGER, ADULT CATS RESIDING FOR LONG PERIODS OF TIME IN ANIMAL SHELTERS. FURTHER, TO PREVENT FACILITIES FROM PROVIDING ADEQUATE SQUARE FOOTAGE FOR CATS BUT THEN PREVENTING ACCESS TO THAT AREA WITH LITTER BOXES THAT TOOK UP THE SPACE, C.3.F.(3)(D) WAS MODIFIED TO EXEMPT THE AREA A LITTER BOX TAKES UP FROM THE TOTAL AREA REQUIRED. IN ORDER TO MAINTAIN CLEANLINESS IN OUTDOOR RUNS AND TO CLARIFY CONFUSING LANGUAGE, C.3.G(3) IS AMENDED TO REQUIRE THAT SOILED GRAVEL BE REMOVED AND REPLACED WHEN IT IS PERMEATED OR NOT REMOVEABLE.

IN C.3.H, PACFA CONSULTED INDUSTRY GROUPS AND REPRESENTATIVES OF SHELTER FACILITIES WITH RESPECT TO TETHERING OF ARCTIC TYPE DOGS USED TO PULL SLEDS AND DETERMINED THAT THE INDUSTRY WAS NOT IN FAVOR OF PERMANENTLY TETHERING ANY DOGS AND THUS REQUESTED THAT THIS ENCLOSURE OPTION BE REMOVED FROM THE RULE IN THIS LICENSE CATEGORY.

WITH REGARD TO CARE AND FEEDING IN ANIMAL SHELTERS, PACFA AMENDED SECTION D TO ADDRESS ISSUES REGARDING WHEN DOGS' RUNS AND WHEN CATS' CAGES SHOULD BE CLEANED. BASED ON NEW INDUSTRY STANDARDS AND THE OUTCOME OF ONGOING SHELTER ANIMAL RESEARCH IT WAS ESTABLISHED THAT IT IS IMPORTANT TO MITIGATE STRESS IN SHELTERED ANIMALS AND ONE WAY THIS CAN BE ACHIEVED IS BY LIMITING HANDLING AND MOVING OF ANIMALS AS WELL AS LIMITING THEIR EXPOSURE TO CHEMICALS AND CLEANING SOLUTIONS.

CHANGES TO SECTION E REGARDING WATERING OF PET ANIMALS WERE MADE TO ENABLE BETTER ENFORCEMENT OF THE REQUIREMENT TO PROVIDE WATER TO DOGS BEFORE THEY BECOME DEHYDRATED OR HEAT PROSTRATED AND ESTABLISH A MINIMUM REQUIREMENT FOR THE PROVISION OF WATER.

FINALLY, OUT-DATED STATUTORY REFERENCES IN SECTION F THAT HAD CHANGED, BEEN REPEALED, OR WERE OTHERWISE MODIFIED HAVE BEEN EDITED OR REMOVED AS NECESSARY.

Editing comments: Changes to this rule are indicated in ~~bold~~ **strikethrough** for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red.

THESE CHANGES, AS PROPOSED, REFLECT THE MOST CURRENT INFORMATION AVAILABLE TO THE RULE-MAKER IN REGARD TO BEST PRACTICES FOR ANY AND ALL GROUPS OR PERSONS THAT MUST BE LICENSED TO ENSURE THE HIGHEST LEVELS OF SAFETY FOR THE ANIMALS.