

An Act

SENATE BILL 25-085

BY SENATOR(S) Kipp and Carson, Cutter, Exum, Jodeh, Kolker, Marchman, Michaelson Jenet, Snyder, Weissman, Winter F., Coleman; also REPRESENTATIVE(S) Rutinel and Paschal, Bird, Boesenecker, Brown, Clifford, Duran, Froelich, Hamrick, Joseph, Lieder, Lindsay, McCormick, Sirota, Stewart K., Valdez.

CONCERNING THE ADOPTION OF ANIMALS THAT ARE TEST SUBJECTS OF HEALTH-RELATED RESEARCH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 82 to title 35 as follows:

ARTICLE 82

Animals in Health-related Research Facilities

35-82-101. Definitions. AS USED IN THIS ARTICLE 82, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "ANIMAL" MEANS A LIVE VERTEBRATE, NONHUMAN ANIMAL.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) "ANIMAL SHELTER" HAS THE MEANING SET FORTH IN SECTION 35-80-102 (1).

(3) "CAT" MEANS A SMALL, DOMESTICATED, CARNIVOROUS MAMMAL THAT IS A MEMBER OF THE FAMILY FELIDAE, ORDER CARNIVORA.

(4) "CHEMICAL SUBSTANCE" MEANS ANY ORGANIC OR INORGANIC SUBSTANCE, INCLUDING:

(a) A DRUG, AS DEFINED IN 21 U.S.C. SEC. 321 (g)(1);

(b) A PESTICIDE, AS DEFINED IN 7 U.S.C. SEC. 136 (u);

(c) A CHEMICAL SUBSTANCE, AS DEFINED IN 15 U.S.C. SEC. 2602 (2);
AND

(d) A FOOD ADDITIVE, AS DEFINED IN 21 U.S.C. SEC. 321 (s).

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE CREATED IN SECTION 35-1-103.

(6) "DOG" MEANS ANY MEMBER OF THE SPECIES CANIS FAMILIARIS.

(7) "HEALTH-RELATED RESEARCH" MEANS RESEARCH:

(a) RELATED TO THE CAUSES, PROGRESSION, DIAGNOSIS, TREATMENT, CONTROL, OR PREVENTION OF PHYSICAL OR MENTAL DISEASES AND IMPAIRMENTS OR CHRONIC CONDITIONS OF HUMANS OR ANIMALS;

(b) RELATED TO THE DEVELOPMENT OF BIOMEDICAL PRODUCTS OR DEVICES, AS DEFINED IN 21 U.S.C. SEC. 321 (h); OR

(c) TO TEST THE HEALTH EFFECTS OF CHEMICAL SUBSTANCES, INGREDIENTS, MEDICAL DEVICES, VACCINES, PRODUCTS, OR PRODUCT FORMULATIONS.

(8) (a) "HEALTH-RELATED RESEARCH FACILITY" MEANS AN ENTITY THAT USES ANIMALS FOR HEALTH-RELATED RESEARCH.

(b) "HEALTH-RELATED RESEARCH FACILITY" DOES NOT INCLUDE AN

ENTITY THAT ONLY PROVIDES A BENEFICIAL SERVICE TO AN ANIMAL, SUCH AS SPAYING OR NEUTERING.

(9) "PET ANIMAL RESCUE" HAS THE MEANING SET FORTH IN SECTION 35-80-102 (11.2).

35-82-102. Health-related research - dogs and cats - adoption - reporting - conflict with federal requirements. (1) (a) BEFORE EUTHANIZING A DOG OR CAT, A HEALTH-RELATED RESEARCH FACILITY SHALL OFFER THE DOG OR CAT TO AN ANIMAL SHELTER OR A PET ANIMAL RESCUE FOR THE PURPOSE OF ADOPTION. IF THE HEALTH-RELATED RESEARCH FACILITY HAS AN INTERNAL ADOPTION PROGRAM, THE FACILITY MAY FIRST OFFER THE DOG OR CAT FOR ADOPTION THROUGH THE INTERNAL ADOPTION PROGRAM BEFORE OFFERING THE DOG OR CAT TO AN ANIMAL SHELTER OR A PET ANIMAL RESCUE.

(b) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY IF A HEALTH-RELATED RESEARCH FACILITY EUTHANIZES A DOG OR CAT FOR RESEARCH, HEALTH, OR SAFETY REASONS.

(2) A HEALTH-RELATED RESEARCH FACILITY MAY ENTER INTO A COLLABORATIVE AGREEMENT WITH AN ANIMAL SHELTER OR A PET ANIMAL RESCUE TO SATISFY THE REQUIREMENTS OF THIS SECTION.

(3) A HEALTH-RELATED RESEARCH FACILITY THAT ACTS IN GOOD FAITH TO TRANSFER OR ADOPT OUT THROUGH AN INTERNAL ADOPTION PROGRAM A DOG OR CAT TO AN ANIMAL SHELTER OR A PET ANIMAL RESCUE PURSUANT TO SUBSECTION (1) OF THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ACTS OR CIRCUMSTANCES RELATED TO OR RESULTING FROM THE TRANSFER OR INTERNAL ADOPTION OF THE DOG OR CAT.

(4) (a) BY JANUARY 31, 2026, AND BY JANUARY 31 EACH YEAR THEREAFTER, A HEALTH-RELATED RESEARCH FACILITY SHALL SUBMIT TO THE DEPARTMENT, ON A FORM APPROVED BY THE DEPARTMENT, A REPORT THAT INCLUDES THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

(I) THE TOTAL NUMBER OF DOGS AND CATS THAT THE HEALTH-RELATED RESEARCH FACILITY:

(A) TRANSFERRED TO AN ANIMAL SHELTER OR A PET ANIMAL RESCUE FOR THE PURPOSE OF ADOPTION; AND

(B) ADOPTED OUT THROUGH AN INTERNAL ADOPTION PROGRAM; AND

(II) THE NAME AND ADDRESS OF EACH ANIMAL SHELTER OR PET ANIMAL RESCUE TO WHICH THE HEALTH-RELATED RESEARCH FACILITY TRANSFERRED A DOG OR CAT FOR THE PURPOSE OF ADOPTION.

(b) A HEALTH-RELATED RESEARCH FACILITY WITH AN INTERNAL ADOPTION PROGRAM SHALL NOT REPORT ANY PERSONAL IDENTIFYING INFORMATION ABOUT AN INDIVIDUAL INTERNAL ADOPTER.

(5) IF ANY PROVISION OF THIS ARTICLE 82 IS FOUND TO BE IN CONFLICT WITH THE FEDERAL "ANIMAL WELFARE ACT", 7 U.S.C. SEC. 2131 ET SEQ., THE CONFLICTING PART OF THIS ARTICLE 82 IS INOPERATIVE SOLELY TO THE EXTENT OF THE CONFLICT, AND THE FINDING OR DETERMINATION SHALL NOT AFFECT THE OPERATION OF THE REMAINDER OF THIS ARTICLE 82.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

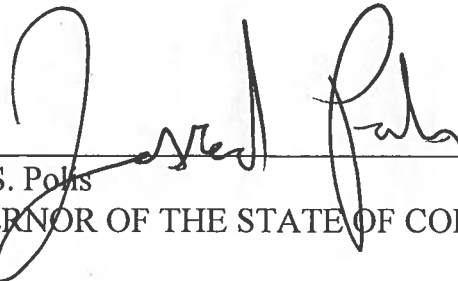


Esther van Mourik
SECRETARY OF
THE SENATE



Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Tuesday April 22nd 2023 at 11:45 AM
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO