



NATIONAL CANINE ADVOCACY GROUP STATEMENT ON COLORADO SB24-045 - MODIFICATIONS TO STERILIZATION REQUIREMENTS FOR CATS & DOGS

The purpose of this statement is to assess the need for modification of Colorado’s sterilization requirements related to cats and dogs adopted out by Colorado animal shelters and rescues, and to evaluate whether the modifications can reasonably be expected to achieve the desired outcomes.

PET OVERPOPULATION DUE TO UNSTERILIZED DOGS

Experts estimate that one intact female dog and her offspring can potentially produce 67,000 dogs over a period of six years. Multiply that by the millions of intact females in the United States and you’ve got an overpopulation problem.

Colorado has worked hard to educate communities about the importance of sterilizing their pets and our low number of homeless pets reflects those efforts. Another key factor in controlling pet overpopulation in Colorado is a law that requires all dogs and cats to be sterilized prior to being adopted out by animal shelters and rescues. C.R.S. 35-80-106.4 (1) states: “An animal shelter or pet animal rescue shall not release a dog or cat to a prospective owner unless the animal has been sterilized by a licensed veterinarian.”

But, the current law includes an exception in C.R.S. 35-80-106.4 (2), which states: “If a licensed veterinarian declares in writing that a sterilization procedure could jeopardize the life or **health** [emphasis added] of the dog or cat, the procedure may be delayed until such time that a veterinarian determines that the dog or cat is fit to undergo the sterilization procedure. At such time, the prospective owner shall have the animal sterilized. If the determination of unfitness for sterilization has been made prior to release, the animal shelter or pet animal rescue may release the dog or cat to the prospective owner, subject to the provisions of this subsection (2).”

ABUSE OF EXCEPTIONS IN CURRENT LAW

It is without a doubt important to avoid unnecessarily endangering the life of any animal and the current exception related to jeopardizing the **life** of a dog or cat is absolutely prudent. But the **health** provision is a grey area that some rescue organizations are taking advantage of.

Several of Colorado’s largest rescue organizations import puppies from other states like Texas and California and adopt them out as quickly as possible to maximize their profits. Because sterilizing the puppies delays adoption, even by only a few days, these disreputable rescues take advantage of the exceptions to the sterilization requirement and adopt out thousands of puppies intact. By engaging in this practice, these rescue organizations also avoid the cost of the sterilization procedure, again, maximizing their profits. In the animal welfare world, these organizations are known by several labels, including “Retail Rescues”, “Puppy Flippers”, or “Puppy Traffickers”.

One might ask, “Why would veterinarians participate in this abuse of the current law?” Because of widely varying views veterinarians have on the “right” time to sterilize dogs and cats, many routinely express their opinions on the subject by supplying rescue organizations with a declaration in writing that the procedure could jeopardize the **health** of the dog or cat thereby delaying the sterilization procedure to a future date and

allowing disreputable rescue organizations to adopt out intact animals and still comply with the current law. Disreputable rescue organizations actually seek out veterinarians that believe sterilization should occur later in a puppy or kitten's life and are comfortable providing the waiver required by law.

WHY THIS IS A PROBLEM

This is not only an animal welfare issue, but also a consumer protection issue.

From an animal welfare point of view, there are numerous studies proving the health benefits of sterilizing puppies and kittens. Sterilized dogs and cats live longer, have fewer behavioral issues, and have a lower incidence of mammary and testicular cancer, and fewer unwanted litters mitigate pet overpopulation.

As to consumer protection, when an organization adopts out an intact animal, they put the onus on the adopter to have the animal sterilized. The adopter must 1) have the animal sterilized, 2) usually pay for the animal to be sterilized, and 3) prove to the rescue organization that they have had the animal sterilized.

There is no legal requirement that the adopter have the animal sterilized. To incentivize adopters to follow through with sterilization, disreputable rescues take a "deposit" from adopters that is returned to the adopter if the rescue receives evidence of sterilization. If no such evidence from the adopter is received, the rescue may keep the deposit, which can be as much as \$350. The number of times a rescue must reach out to the adopter to get proof of sterilization, and the time period over which such outreach must occur, are not regulated and many disreputable rescues make as little effort as possible so as to be able to keep the deposit. In many cases, not only has an adopter paid an adoption fee but also an additional amount they've lost for a spay/neuter deposit. All to the benefit of these disreputable rescue organizations.

CONSEQUENCES TO NOT CHANGING LEGISLATION

1. Pet overpopulation in Colorado
 - a) There are three known Colorado rescues that routinely take advantage of the exemption provisions of the law. While this appears on the surface to be minimal, if just 2% of the dogs these rescues adopted out in 2022 are not sterilized, 48 intact female dogs are released into our communities. Over a period of six years, these dogs could ***potentially produce between one million and three million dogs***. Disallowing exemptions for health reasons will significantly impact the population of unwanted dogs in our state.
 - b) These same three Colorado rescues imported more than 4,400 dogs and puppies from other states, or roughly 20% of the total dogs imported by rescues and shelters combined. With the amended law, none of these animals would be eligible for an exemption from the State's sterilization law.
2. Consumers will be better protected
 - a) The likelihood of unsterilized animals being adopted out is reduced, thereby reducing the expense to consumers of either 1) having the dog altered, or 2) losing their spay/neuter deposit.

APPROVED CHANGES IN LEGISLATION ADDRESS PROBLEMS

The final Act signed by Colorado's governor amends existing rules related to sterilization of dogs and cats in the following ways:

1. Removes the exemption from the sterilization requirement based on the ***health*** of animals imported into Colorado, which exemptions are significantly impacted by a veterinarian's opinions on spay/neuter in general. Elimination of this exemption effectively requires dog and cat importers to sterilize adoptable animals prior to entering the State of Colorado, unless a licensed Colorado

veterinarian certifies the procedure endangers the life of the animal. As a result, retail rescues will no longer be allowed to import thousands of unaltered dogs and cats every year.

2. Specifies the conditions under which an exemption for health reasons may be made for dogs and cats born in Colorado. If a veterinarian licensed in Colorado determines the sterilization procedure “is likely to cause secondary illness, injury, impairment, or physical condition that involves inpatient care or ongoing outpatient treatment”, a health exemption may be granted. By narrowing the circumstances in which a health exemption will be made, veterinarians’ personal views about the timing of sterilization are removed from the equation.
3. Adds a requirement for pet animal rescues and shelters to submit with their license renewal information regarding animals exempted under the provisions of the Act. This provision provides more transparency as to how and when exemptions are being used by pet animal rescues and shelters, thereby holding licensees more accountable for their compliance with sterilization rules.