

Amended Text

2007-2009

#64

FEB 08 2008

ELECTIONS DIVISION  
DEPARTMENT OF STATE

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**Initiative Statute**

Be it Enacted by the People of the State of Colorado:

SECTION 1. Title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read;

**ARTICLE 57.9  
Farm Animal Confinement**

35-57.9-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PREVENTION OF FARM ANIMAL CRUELTY ACT".

35-57.9-102. Legislative Declaration. THE PURPOSE OF THIS ARTICLE IS TO PROHIBIT THE CONFINEMENT OF FARM ANIMALS IN A MANNER THAT DOES NOT ALLOW THEM TO TURN AROUND FREELY, LIE DOWN, STAND UP, AND FULLY EXTEND THEIR LIMBS.

35-57.9-103. Definitions. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:

- (1) "CALF RAISED FOR VEAL" MEANS ANY CALF OF THE BOVINE SPECIES KEPT FOR THE PURPOSE OF PRODUCING THE FOOD PRODUCT DESCRIBED AS VEAL.
- (2) "COVERED ANIMAL" MEANS ANY PIG DURING PREGNANCY, CALF RAISED FOR VEAL, OR EGG-LAYING HEN WHO IS KEPT ON A FARM.
- (3) "EGG-LAYING HEN" MEANS ANY FEMALE DOMESTICATED CHICKEN, TURKEY, DUCK, GOOSE, OR GUINEA FOWL KEPT FOR THE PURPOSE OF EGG PRODUCTION.
- (4) "ENCLOSURE" MEANS ANY CAGE, CRATE, OR OTHER STRUCTURE, INCLUDING WHAT IS COMMONLY DESCRIBED AS A "GESTATION CRATE" FOR PIGS; A "VEAL CRATE" FOR CALVES; OR A "BATTERY CAGE" FOR EGG-LAYING HENS, USED TO CONFINE A COVERED ANIMAL.
- (5) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES, AND OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR FOOD OR FIBER, AND DOES NOT INCLUDE LIVE ANIMAL MARKETS.
- (6) "FULLY EXTENDING HIS OR HER LIMBS" MEANS FULLY EXTENDING ALL LIMBS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE, INCLUDING, IN THE CASE OF EGG-LAYING HENS, FULLY SPREADING BOTH WINGS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR OTHER EGG-LAYING HENS.
- (7) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, JOINT VENTURE, ASSOCIATION, LIMITED LIABILITY COMPANY, CORPORATION, ESTATE, TRUST, RECEIVER, OR SYNDICATE.

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- (8) "PIG DURING PREGNANCY" MEANS ANY PREGNANT PIG OF THE PORCINE SPECIES KEPT FOR THE PRIMARY PURPOSE OF BREEDING.
- (9) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE.

**35-57.9-104. Farm animal cruelty – prohibitions – exceptions.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON SHALL NOT TETHER OR CONFINED ANY COVERED ANIMAL, ON A FARM, FOR THE MAJORITY OF ANY DAY, IN A MANNER THAT PREVENTS SUCH ANIMAL FROM:

- (A) LYING DOWN, STANDING UP, AND FULLY EXTENDING HIS OR HER LIMBS; AND
- (B) TURNING AROUND FREELY.

(2) THIS ARTICLE SHALL NOT APPLY:

- (A) DURING SCIENTIFIC OR AGRICULTURAL RESEARCH;
- (B) DURING EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR OPERATION FOR VETERINARY PURPOSES;
- (C) DURING TRANSPORTATION;
- (D) DURING RODEO EXHIBITIONS, STATE OR COUNTY FAIR EXHIBITIONS, AND 4-H PROGRAMS;
- (E) DURING THE SLAUGHTER OF A COVERED ANIMAL IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 33 OF THIS TITLE, RELATING TO HUMANE METHODS OF SLAUGHTER, AND OTHER APPLICABLE LAWS AND REGULATIONS; OR
- (F) TO A PIG DURING THE SEVEN-DAY PERIOD PRIOR TO THE PIG'S EXPECTED DATE OF GIVING BIRTH.

**35-57.9-105. Penalties.** ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS ARTICLE OR ANY RULE PROMULGATED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

**35-57.9-106. Construction of Article.** THE PROVISIONS OF THIS ARTICLE ARE IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER LAWS PROTECTING ANIMAL WELFARE. THIS ARTICLE SHALL NOT BE CONSTRUED TO LIMIT ANY STATE LAW OR RULE WHICH PROVIDES MORE STRINGENT PROTECTIONS FOR THE WELFARE OF ANIMALS, NOR SHALL ANYTHING IN THIS ARTICLE PREVENT A LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN MORE STRINGENT ANIMAL WELFARE LAWS AND RULES.

**35-57.9-107. Severability.** IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

**35-57.9-108. Effective Date – applicability.** DELAYING THE OPERATIVE DATE OF THE PROVISIONS OF THIS ARTICLE SHALL ALLOW RELATIVE PERIOD FOR PERSONS AND ENTITIES

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ENGAGED IN AGRICULTURAL PRACTICES TO MODIFY THEIR BUSINESS PRACTICES TO CONFORM TO THE PROVISIONS OF THE ARTICLE. THIS ARTICLE SHALL APPLY TO ENCLOSURES USED FOR VEAL CALVES ON JULY 1, 2011, SHALL APPLY TO ENCLOSURES USED FOR EGG-LAYING HENS ON JULY 1, 2014, AND SHALL APPLY TO ENCLOSURES USED FOR PIGS DURING PREGNANCY ON JULY 1, 2017,

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**SECTION 2.**

**35-57.9-102. Legislative Declaration**

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**35-57.9-103. Definitions**

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**SECTION 4.**

**35-57.9-104. Farm animal confinement provisions**

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### SECTION 7.

### 35-57.9-107. Severability

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### **35-57.9-108. Effective Date**

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