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OF THE UNITED STATES

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ate of Colorado:

IN GENERAL.— Title 35 of the Agriculture Code is amended by adding to the end, the following Article 57.9 (commencing with Section 35-57.9-101), to read:

ARTICLE 57.9: FARM ANIMAL CONFINEMENT

SECTION 1.

35-57.9-101. Short title

This act shall be know and may be cited as the Prevention of Farm Animal Cruelty Act.

SECTION 2.

35-57.9-102. Legislative Declaration

The purpose of this Act, subject to exceptions and commencing as provided, 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.

SECTION 3.

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.
 - (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

SECTION 4.

35-57.9-104. Farm animal confinement provisions

- (1) **PROHIBITIONS.**— Notwithstanding any other provision of law, a person shall not tether or confine any covered animal, on a farm, for all or 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) **EXCEPTIONS.**— This chapter 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, 4-H programs, and similar exhibitions.
 - (e) During the slaughter of a covered animal in accordance with the provisions of Article 33 (commencing with Section 35-33-101) of Title 35 of the Agricultural Code, relating to humane methods of slaughter, and other applicable laws and regulations.
 - (f) To a pig during the seven-day period prior to the pig’s expected date of giving birth.

SECTION 5.

35-57.9-105. Penalties

Any person who violates the provisions of this article or any rule or regulation promulgated under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

SECTION 6.

35-57.9-106. Construction of Chapter

The provisions of this chapter are in addition to, and not in lieu of, any other laws protecting animal welfare. This chapter shall not be construed to limit any state law or regulations protecting the welfare of animals, nor shall anything in this chapter prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

SECTION 7.

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.

SECTION 8.

35-57.9-108. Effective Date

Delaying the operative date of the provisions of this chapter shall allow relative period for persons and entities engaged in agricultural practices to modify their business practices to conform to the provisions of the chapter. The provisions of Sections 35-57.9-101, 35-57.9-102, 35-57.9-103, and 35-57.9-104, 35-57.9-105 shall become effective on the following dates:

- (a) on or before July 1, 2011 for enclosures used for veal calves;
- (b) on or before July 1, 2014 for enclosures used for egg-laying hens;
and
- (c) on or before July 1, 2017 for enclosures used for pigs during pregnancy.

Holly Tarry

From: Mila Zain
Sent: Friday, February 08, 2008 12:05 PM
To: James W. Hubbell; Holly Tarry
Cc: Jonathan Lovvorn
Subject: CO Ag Code: Enforcement provision
Attachments: 35-48-101.pdf

Hi again Jim & Holly:

On the issue of compliance and/or enforcement, we have found an Article within the CO Agriculture Chapter that does not have a specific enforcement provision. See C.R.S. 35-48-101, *et seq.* Below is the full text of this Article. I am also attaching a PDF version.

West's Colorado Revised Statutes Annotated Currentness
Title 35. Agriculture
 ▣ Livestock
 ➤ Article 48. Bulls, Rams, and Boars (Refs & Annos)

§ 35-48-101. Lien one year

The keepers of bulls, rams, and boars, in this state, have liens upon the get of such animals for the space of one year from the birth of same, for payment of service of such bull, ram, or boar.

§ 35-48-102. Bona fide purchasers protected

Section 35-48-101 shall not apply to a bona fide purchaser without notice of the lien.

§ 35-48-103. Inferior bulls or rams

(1) It is unlawful for any person, firm, or corporation to permit any inferior bull over the age of one year or any inferior ram over the age of two months to run at large in this state. Any bull shall be considered an inferior bull that is not registered or eligible for registration as a purebred animal.

(2) Any person permitting cows of which he is the owner or agent of the owner to run at large upon the public ranges of this state shall furnish during breeding season at least one registered purebred bull of one of the recognized beef breeds, not less than eighteen months of age, for every twenty-five head of cows or fraction thereof over ten head so permitted to run at large in this state. No owner or agent of the owner shall permit any jersey, holstein, guernsey, ayrshire, or other bull not registered or eligible for registration as one of the recognized beef breeds to run at large in this state under any pretense whatever, and should any such bull break through any enclosure surrounded by a lawful fence, the owner of such animal shall be liable for all damages occasioned

by such trespass.

(3) Any person violating any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars for each offense.

§ 35-48-104. Castration of inferior animals

It is lawful for any stock grower to castrate or cause to be castrated any inferior animal found running at large; but, if any person castrates any animal belonging to another, without permission, and on proper evidence before any competent court it is proved to the satisfaction of said court that such animal was not within the prohibition of section 35-48-103, said person so castrating such animal shall be liable for damages in three times the value of the animal so castrated and costs of suit.

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