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Proposed Initiative 2013-2014 #101
Amended

Colorado Secretary of State

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

SECTION 1. In Article XVIII of the constitution of the state of Colorado, ~~add Section~~ section 17 as follows:

Section 17. Dairy cowattle protection. (1) Definitions. AS USED IN THIS SECTION:

- (a) "DAIRY cowCATTLE" MEANS ANY LIVING BOVINE HELD ON A DAIRY FARM.
- (b) "DAIRY FARM" MEANS THE LAND, BUILDINGS, SUPPORT FACILITIES, AND OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE ~~COMMERCIAL~~ PRODUCTION OF DAIRY cowSATTLE OR MILK OR OTHER DAIRY PRODUCTS; AND DOES NOT INCLUDE LIVE ANIMAL MARKETS.
- (c) "DOCK" MEANS TO CUT OR REMOVE ANY PORTION OF THE FLESH OR BONE OF AN DAIRY COW'S ~~ANIMAL'S~~ TAIL.
- (d) "ENCLOSURE" MEANS A CAGE, STALL, CRATE, OR OTHER STRUCTURE USED FOR CONFINEMENT, INCLUDING WHAT IS COMMONLY REFERRED TO AS A "TIE-STALL" OR "STANCHION" FOR DAIRY cowSATTLE.
- (e) "FARM OWNER OR OPERATOR" MEANS ANY PERSON WHO OWNS OR CONTROLS THE OPERATIONS OF A DAIRY FARM; AND DOES NOT INCLUDE ANY NON-MANAGEMENT EMPLOYEE, CONTRACTOR, OR CONSULTANT.
- (f) "FULLY EXTENDING ITS LIMBS" MEANS FULLY EXTENDING ALL LIMBS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE.
- (g) "HUMANELY EUTHANIZE" MEANS TO KILL BY A MECHANICAL, CHEMICAL, OR ELECTRICAL METHOD THAT RAPIDLY AND EFFECTIVELY RENDERS THE ANIMAL INSENSITIVE TO PAIN.
- (h) "NON-AMBULATORY DAIRY cowSATTLE" MEANS A DAIRY COWSATTLE THAT WILL NOT STAND ~~OR~~ WALK UNASSISTED.
- (i) "SLAUGHTERING FACILITY" MEANS ANY ESTABLISHMENT THAT IS NOT REGULATED BY THE UNITED STATES ~~DEPARTMENT~~ DEPARTMENT OF AGRICULTURE ~~AGRICULTURE~~ PURSUANT PURSUANT TO THE ~~FEDERAL~~ FEDERAL "MEAT INSPECTION ACT". AS AMENDED. 21 U.S.C. SECS. 601-695, WHERE ANIMALS ARE KILLED FOR HUMAN CONSUMPTION.
- (j) "THERAPEUTIC" MEANS FOR THE PURPOSE OF TREATING A SICK OR INJURED DAIRY COW, WHERE SUCH TREATMENT IS DEEMED MEDICALLY NECESSARY BY A LICENSED VETERINARIAN, AND NOT MERELY PROPHYLACTIC.
- (k) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE.

(2) **Prohibitions.** (a) ~~A~~ NO FARM OWNER OR OPERATOR SHALL NOT KNOWINGLY DOCK THE TAIL OF ANY DAIRY cowSATTLE; OR PROCURE THE SAME TO BE DONE, EXCEPT WHERE SUCH PROCEDURE IS PERFORMED BY A LICENSED VETERINARIAN FOR THE PURPOSE OF TREATING A SICK OR INJURED ~~ANIMAL~~ ANIMAL FOR A THERAPEUTIC PURPOSE.

(b) ~~A~~ NO FARM OWNER OR OPERATOR SHALL NOT KNOWINGLY TETHER OR CONFINED A DAIRY COWSATTLE OR PROCURE THE SAME TO BE DONE, IN AN ENCLOSURE IN A MANNER THAT PREVENTS SUCH ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING ITS LIMBS, ~~AND~~ OR TURNING

AROUND FREELY. THIS SUBSECTION DOES NOT APPLY DURING TRANSPORTATION; AT STATE OR COUNTY FAIR EXHIBITIONS, 4-H PROGRAMS, ~~AND OR~~ SIMILAR EXHIBITIONS; DURING HUMANE SLAUGHTER IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS; DURING MEDICAL RESEARCH; DURING EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR OPERATION, BY OR UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN, OR TO THE TEMPORARY CONFINEMENT FOR ANIMAL HUSBANDRY PURPOSES FOR NO MORE THAN SIX HOURS IN ANY TWENTY-FOUR HOUR PERIOD.

(c) ~~A NO PERSON SHALL~~ NOT KNOWINGLY TRANSPORT A LIVE NON-AMBULATORY DAIRY ~~COWATTLE~~ TO, FROM, OR BETWEEN ANY SLAUGHTERING FACILITY, LIVESTOCK MARKET, FEEDLOT, OR SIMILAR FACILITY THAT TRADES IN DAIRY ~~COWSATTLE~~, AND ALL NON-AMBULATORY DAIRY ~~COWSATTLE~~ MUST EITHER BE PROMPTLY AND HUMANELY EUTHANIZED OR PROVIDED WITH PROMPT TREATMENT BY OR UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN BEFORE TRANSPORT TO, FROM, OR BETWEEN SUCH LOCATIONS.

(d) ~~A NO PERSON PERSON SHALL~~ NOT KNOWINGLY ACCEPT DELIVERY OF A LIVE NON-AMBULATORY DAIRY ~~COWATTLE~~ AT ANY SLAUGHTERING FACILITY, LIVESTOCK MARKET, FEEDLOT, OR SIMILAR FACILITY THAT TRADES IN DAIRY ~~COWSATTLE~~, WITHOUT PROMPTLY HUMANELY EUTHANIZING OR PROMPTLY PROVIDING TREATMENT BY OR UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

(3) **Penalty.** (a) THE GENERAL ASSEMBLY SHALL ENACT, AMEND, OR REPEAL SUCH LAWS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION 17, INCLUDING PENALTY PROVISIONS, NO LATER THAN ONE YEAR FROM THE OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR , PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO.

(b) IT IS NOT AN AFFIRMATIVE DEFENSE TO AN ALLEGED VIOLATION OF THIS SECTION THAT THE ~~DAIRY COWANIMAL~~ WAS KEPT IN ACCORDANCE WITH AN ACCEPTABLE ANIMAL HUSBANDRY PRACTICE.

(c) IT IS NOT A NEGATION TO THE ELEMENTS OF THE OFFENSES LISTED IN ~~THIS SECTION~~ PART 2 OF ARTICLE 9 OF TITLE 18, C.R.S. THAT THE ~~DAIRY COWANIMAL~~ WAS TREATED IN ACCORDANCE WITH AN ACCEPTED ANIMAL HUSBANDRY PRACTICE.

(4) **Severability and applicability.** (a) IF ANY PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS SECTION ARE DECLARED TO BE SEVERABLE.

(b) THIS SECTION APPLIES TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS INITIATED MEASURE.

(5) **Effective date.** All provisions of this section are effective one year from the official declaration of the vote hereon by proclamation of the governor, pursuant to section 1(4) of article V of the constitution of the state of Colorado.

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Proponent Representative 1

Name: Mike Callicrate

Physical Address: 1184 Hill Cir., Colorado Springs, CO 80904

Mailing Address: 1184 Hill Cir., Colorado Springs, CO 80904

Phone: 785-332-8218

Fax: N/A

E-mail: mike@nobull.net

Proponent Representative 2

Name: Jacquelyn Pyun

Physical Address: PO Box 18911, Denver CO 80218

Mailing Address: PO Box 18911, Denver CO 80218

Phone: 720-737-6006

Fax: N/A

E-mail: jpyun@humanesociety.org