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Proposed Initiative 2013-2014 #101

Colorado Secretary of State

Final

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 17 as follows:

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

- (a) "DAIRY COW" 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 PRODUCTION OF DAIRY COWS 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 A DAIRY COW'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 COWS.
- (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 COW" MEANS A DAIRY COW THAT WILL NOT STAND OR WALK UNASSISTED.
- (i) "SLAUGHTERING FACILITY" MEANS ANY ESTABLISHMENT THAT IS NOT REGULATED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE PURSUANT TO THE 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 FARM OWNER OR OPERATOR SHALL NOT KNOWINGLY DOCK THE TAIL OF ANY DAIRY COW OR PROCURE THE SAME TO BE DONE, EXCEPT WHERE SUCH PROCEDURE IS PERFORMED FOR A THERAPEUTIC PURPOSE.

(b) A FARM OWNER OR OPERATOR SHALL NOT KNOWINGLY TETHER OR CONFINED A DAIRY COW 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, OR TURNING AROUND FREELY. THIS SUBSECTION DOES NOT APPLY DURING TRANSPORTATION; AT STATE OR COUNTY FAIR

EXHIBITIONS, 4-H PROGRAMS, 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 PERSON SHALL NOT KNOWINGLY TRANSPORT A LIVE NON-AMBULATORY DAIRY COW TO, FROM, OR BETWEEN ANY SLAUGHTERING FACILITY, LIVESTOCK MARKET, FEEDLOT, OR SIMILAR FACILITY THAT TRADES IN DAIRY COWS, AND ALL NON-AMBULATORY DAIRY COWS 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 PERSON SHALL NOT KNOWINGLY ACCEPT DELIVERY OF A LIVE NON-AMBULATORY DAIRY COW AT ANY SLAUGHTERING FACILITY, LIVESTOCK MARKET, FEEDLOT, OR SIMILAR FACILITY THAT TRADES IN DAIRY COWS, 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 COW 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 THAT THE DAIRY COW 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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