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Colorado Secretary of State

Proposed Initiative 2013-2014 #102

Original

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

**SECTION 1.** In Colorado Revised Statutes, add 18-9-210 as follows:

**§ 18-9-210. Dairy cattle protection. (1) Definitions.** AS USED IN THIS SECTION:

- (a) "DAIRY CATTLE" 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 CATTLE 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 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 CATTLE.
- (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 CATTLE" MEANS DAIRY CATTLE THAT WILL NOT STAND AND 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 WHERE ANIMALS ARE KILLED FOR HUMAN CONSUMPTION.
- (j) "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) NO FARM OWNER OR OPERATOR SHALL KNOWINGLY DOCK THE TAIL OF ANY DAIRY CATTLE, 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.

(b) NO FARM OWNER OR OPERATOR SHALL KNOWINGLY TETHER OR CONFINE DAIRY CATTLE IN AN ENCLOSURE IN A MANNER THAT PREVENTS SUCH ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING ITS LIMBS, AND TURNING AROUND FREELY. THIS SUBSECTION DOES NOT APPLY DURING TRANSPORTATION; AT STATE OR COUNTY FAIR EXHIBITIONS, 4-H PROGRAMS, AND 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) NO PERSON SHALL KNOWINGLY TRANSPORT LIVE NON-AMBULATORY DAIRY CATTLE TO, FROM, OR BETWEEN ANY SLAUGHTERING FACILITY, LIVESTOCK MARKET, FEEDLOT, OR SIMILAR FACILITY THAT TRADES IN DAIRY CATTLE, AND ALL NON-AMBULATORY DAIRY CATTLE MUST EITHER BE PROMPTLY 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) NO PERSON SHALL KNOWINGLY ACCEPT DELIVERY OF LIVE NON-AMBULATORY DAIRY CATTLE AT ANY SLAUGHTERING FACILITY, LIVESTOCK MARKET, FEEDLOT, OR SIMILAR FACILITY THAT TRADES IN DAIRY CATTLE, WITHOUT PROMPTLY HUMANELY EUTHANIZING OR PROMPTLY PROVIDING TREATMENT BY OR UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

**(3) Penalty.** (a) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR.

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

(c) IT IS NOT A NEGATION TO THE ELEMENTS OF THE OFFENSES LISTED IN PART 2 OF ARTICLE 9 OF TITLE 18, C.R.S., THAT THE ANIMAL 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) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER LAWS PROTECTING ANIMAL WELFARE. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT ANY MORE STRINGENT STATE LAW OR RULES PROTECTING THE WELFARE OF ANIMALS OR TO PREVENT A LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN ANIMAL WELFARE LAWS AND REGULATIONS.

(c) 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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