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S. WARD
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Colorado Secretary of State

Proposed Initiative 2013-2014 #99

Final

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. Bovine tail docking. (1) **Definitions.** AS USED IN THIS SECTION:

(a) "DOCK" MEANS TO CUT OR REMOVE ANY PORTION OF THE FLESH OR BONE OF A BOVINE'S TAIL.

(b) "THERAPEUTIC" MEANS FOR THE PURPOSE OF TREATING A SICK OR INJURED BOVINE, WHERE SUCH TREATMENT IS DEEMED MEDICALLY NECESSARY BY A LICENSED VETERINARIAN, AND NOT MERELY PROPHYLACTIC.

(2) **Prohibitions – exceptions - penalty.** (a) NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE CONTRARY, A PERSON SHALL NOT DOCK THE TAIL OF ANY BOVINE OR PROCURE THE SAME TO BE DONE.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2), BOVINE TAIL DOCKING MAY BE PERFORMED IF:

(I) SUCH PROCEDURE IS PERFORMED FOR A THERAPEUTIC PURPOSE;

(II) THE PROCEDURE IS PERFORMED BY A LICENSED VETERINARIAN USING SUITABLE INSTRUMENTS AND UNDER HYGIENIC CONDITIONS;

(III) THE PROCEDURE IS CONDUCTED IN SUCH A WAY AS TO MINIMIZE ANY PAIN AND SUFFERING OF THE BOVINE; AND

(IV) THE BOVINE HAS BEEN ADEQUATELY ANESTHETIZED TO MINIMIZE THE BOVINE'S PAIN AND SUFFERING DURING THE OPERATION.

(c) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR.

(d) IT IS NOT AN AFFIRMATIVE DEFENSE TO AN ALLEGED VIOLATION OF THIS SECTION THAT THE TAIL OF ANY BOVINE WAS DOCKED AS AN ACCEPTABLE ANIMAL HUSBANDRY PRACTICE.

(e) IT IS NOT A NEGATION TO THE ELEMENTS OF THE OFFENSES LISTED IN THIS SECTION THAT THE BOVINE WAS TREATED IN ACCORDANCE WITH AN ACCEPTED ANIMAL HUSBANDRY PRACTICE.

(3) **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 MAY 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 ACT APPLIES TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS INITIATED MEASURE.

(4) **Effective date.** This section is effective upon 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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