

RECEIVED

By Steven Ward at 11:36 am, Apr 03, 2020

2019-2020 #314 – FINAL

#314

Be it enacted by the people of the state of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 2 to article 21 of title 35 as follows:

PREVENT CRUELTY TO FARM ANIMALS

35-21-201. Legislative declaration. THE PURPOSE OF THIS PART 2 IS TO PREVENT ANIMAL CRUELTY BY PHASING OUT EXTREME METHODS OF FARM ANIMAL CONFINEMENT. EXTREME METHODS THREATEN THE HEALTH AND SAFETY OF COLORADO CONSUMERS AND INCREASE THE RISK OF FOOD-BORNE ILLNESS AND ASSOCIATED NEGATIVE FISCAL IMPACTS ON THE STATE OF COLORADO.

35-21-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) “BUSINESS OWNER OR OPERATOR” MEANS ANY PERSON WHO OWNS OR CONTROLS THE OPERATIONS OF A BUSINESS.

(2)(a) “CAGE-FREE HOUSING SYSTEM” MEANS AN INDOOR OR OUTDOOR CONTROLLED ENVIRONMENT FOR EGG-LAYING HENS WITHIN WHICH:

(I) THE HENS ARE FREE TO ROAM UNRESTRICTED;

(II) THE HENS ARE PROVIDED ENRICHMENTS THAT ALLOW THE HENS TO EXHIBIT NATURAL BEHAVIORS, INCLUDING, AT A MINIMUM, SCRATCH AREAS, PERCHES, NEST BOXES, AND DUST BATHING AREAS; AND

(III) FARM EMPLOYEES CAN PROVIDE CARE WHILE STANDING WITHIN THE HENS’ USABLE FLOOR SPACE.

(b) “CAGE-FREE HOUSING SYSTEM” INCLUDES, IF THE SYSTEM MEETS THE DEFINITION IN SUBSECTION (2)(a) OF THIS SECTION:

(I) MULTI-TIERED AVIARIES IN WHICH HENS HAVE ACCESS TO MULTIPLE ELEVATED PLATFORMS THAT PROVIDE HENS WITH USABLE FLOOR SPACE BOTH ON TOP OF AND UNDERNEATH THE PLATFORMS;

(II) PARTIALLY-SLATTED SYSTEMS IN WHICH HENS HAVE ACCESS TO ELEVATED FLAT PLATFORMS UNDER WHICH MANURE DROPS THROUGH THE FLOORING TO A PIT OR LITTER REMOVAL BELT BELOW; AND

(III) SINGLE-LEVEL ALL LITTER FLOOR SYSTEMS BEDDED WITH LITTER AND IN WHICH HENS HAVE LIMITED OR NO ACCESS TO ELEVATED FLAT PLATFORMS.

(c) “CAGE-FREE HOUSING SYSTEM” DOES NOT INCLUDE SYSTEMS COMMONLY DESCRIBED AS BATTERY CAGES, COLONY CAGES, ENRICHED CAGES, ENRICHED COLONY CAGES, MODIFIED CAGES, CONVERTIBLE CAGES, FURNISHED CAGES, OR SIMILAR CAGE SYSTEMS.

(3) “COVERED ANIMAL” MEANS ANY EGG-LAYING HEN THAT IS KEPT ON A FARM.

(4) "EGG-LAYING HEN" OR "HEN" MEANS A FEMALE OF THE FOLLOWING DOMESTICATED SPECIES KEPT TO PRODUCE EGGS: CHICKEN, TURKEY, DUCK, GOOSE, OR GUINEA FOWL.

(5) "ENCLOSURE" MEANS A STRUCTURE USED TO CONFINE A COVERED ANIMAL OR ANIMALS.

(6) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES, AND EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL PRODUCTION OF ANIMALS FOR FOOD OR FIBER OR ANIMAL PRODUCTS USED FOR FOOD OR FIBER. "FARM" DOES NOT INCLUDE LIVE ANIMAL MARKETS, ESTABLISHMENTS AT WHICH MANDATORY INSPECTION IS PROVIDED UNDER THE FEDERAL "MEAT INSPECTION ACT", 21 U.S.C. SEC. 601 ET SEQ., OR OFFICIAL PLANTS AT WHICH MANDATORY INSPECTION IS MAINTAINED UNDER THE FEDERAL "EGG PRODUCTS INSPECTION ACT", 21 U.S.C. SEC. 1031 ET SEQ.

(7) "FARM OWNER OR OPERATOR" MEANS ANY PERSON WHO OWNS OR CONTROLS THE OPERATIONS OF A FARM.

(8) "FULLY EXTENDING THE ANIMAL'S LIMBS" MEANS FULLY EXTENDING ALL LIMBS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR ANOTHER ANIMAL, INCLUDING, FOR EGG-LAYING HENS, FULLY SPREADING BOTH WINGS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR ANOTHER ANIMAL.

(9) "LIQUID EGGS" MEANS THE EGGS OF AN EGG-LAYING HEN THAT ARE BROKEN FROM THE SHELLS AND THAT ARE INTENDED FOR HUMAN FOOD. "LIQUID EGGS" DO NOT INCLUDE COMBINATION FOOD PRODUCTIONS, INCLUDING PANCAKE MIXES, CAKE MIXES, COOKIES, PIZZAS, COOKIE DOUGH, OR ICE CREAM THAT INCLUDE EGGS AS ONE OF MULTIPLE INGREDIENTS IN THE PRODUCT; EXCEPT THAT MERELY ADDING SUGAR, SALT, WATER, SEASONING, COLORING, FLAVORING, PRESERVATIVES, STABILIZERS, OR SIMILAR FOOD ADDITIVES DOES NOT MAKE AN EGG PRODUCT A COMBINATION FOOD PRODUCT.

(10) "SALE" MEANS A COMMERCIAL SALE BY A BUSINESS THAT SELLS ANY ITEM COVERED BY THIS PART 2, BUT DOES NOT INCLUDE ANY SALE UNDERTAKEN AT AN ESTABLISHMENT AT WHICH MANDATORY INSPECTION IS PROVIDED UNDER THE FEDERAL "MEAT INSPECTION ACT", 21 U.S.C. SEC. 601 ET SEQ., OR ANY SALE UNDERTAKEN AT AN OFFICIAL PLANT AT WHICH MANDATORY INSPECTION IS MAINTAINED UNDER THE FEDERAL "EGG PRODUCTS INSPECTION ACT", 21 U.S.C. SEC. 1031 ET SEQ.

(11) "SHELL EGG" MEANS A WHOLE EGG OF AN EGG-LAYING HEN IN ITS SHELL, IF THE EGG IS INTENDED FOR USE AS HUMAN FOOD.

(12) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR ANOTHER ANIMAL.

(13) "USABLE FLOOR SPACE" MEANS THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE PROVIDED TO EACH COVERED ANIMAL, AS CALCULATED BY DIVIDING THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE PROVIDED TO THE ANIMALS IN AN ENCLOSURE BY THE NUMBER OF ANIMALS IN

THAT ENCLOSURE. IN THE CASE OF EGG-LAYING HENS, "USABLE FLOOR SPACE" INCLUDES BOTH GROUND SPACE AND ELEVATED LEVEL FLAT PLATFORMS UPON WHICH HENS CAN ROOST, BUT DOES NOT INCLUDE PERCHES OR RAMPS.

35-21-203. Prohibitions (1) ON OR AFTER DECEMBER 31, 2021:

(a) A FARM OWNER OR OPERATOR WITHIN THE STATE OF COLORADO SHALL NOT KNOWINGLY:

(I) CAUSE ANY COVERED ANIMAL TO BE CONFINED IN A CRUEL MANNER THAT PREVENTS THE ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING THE ANIMAL'S LIMBS, OR TURNING AROUND FREELY, AND

(II) CONFINED AN EGG-LAYING HEN WITH LESS THAN THE AMOUNT OF USABLE FLOOR SPACE PER HEN REQUIRED BY THE 2017 EDITION OF THE UNITED EGG PRODUCERS' ANIMAL HUSBANDRY GUIDELINES FOR U.S. EGG-LAYING FLOCKS: GUIDELINES FOR CAGE-FREE HOUSING, OR IN AN ENCLOSURE THAT IS NOT A CAGE-FREE HOUSING SYSTEM.

(b) A BUSINESS OWNER OR OPERATOR SHALL NOT KNOWINGLY ENGAGE IN THE SALE WITHIN THE STATE OF COLORADO OF ANY:

(I) SHELL EGG THAT THE BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD KNOW IS THE PRODUCT OF A COVERED ANIMAL THAT WAS CONFINED IN A CRUEL MANNER THAT PREVENTS THE ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING THE ANIMAL'S LIMBS, OR TURNING AROUND FREELY AND CONFINES AN EGG-LAYING HEN WITH LESS THAN THE AMOUNT OF USABLE FLOOR SPACE PER HEN REQUIRED BY THE 2017 EDITION OF THE UNITED EGG PRODUCERS' ANIMAL HUSBANDRY GUIDELINES FOR U.S. EGG-LAYING FLOCKS: GUIDELINES FOR CAGE-FREE HOUSING, OR IN AN ENCLOSURE THAT IS NOT A CAGE-FREE HOUSING SYSTEM; AND

(II) LIQUID EGGS THAT THE BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD KNOW IS THE PRODUCT OF A COVERED ANIMAL THAT WAS CONFINED IN A CRUEL MANNER THAT PREVENTS THE ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING THE ANIMAL'S LIMBS, OR TURNING AROUND FREELY AND CONFINES AN EGG-LAYING HEN WITH LESS THAN THE AMOUNT OF USABLE FLOOR SPACE PER HEN REQUIRED BY THE 2017 EDITION OF THE UNITED EGG PRODUCERS' ANIMAL HUSBANDRY GUIDELINES FOR U.S. EGG-LAYING FLOCKS: GUIDELINES FOR CAGE-FREE HOUSING, OR IN AN ENCLOSURE THAT IS NOT A CAGE-FREE HOUSING SYSTEM.

(III) A SALE IS DEEMED TO OCCUR AT THE LOCATION WHERE THE BUYER TAKES PHYSICAL POSSESSION OF AN ITEM COVERED BY THIS PART 2.

35-21-204. Exceptions. (1) SECTION 35-21-203 DOES NOT APPLY DURING:

(a) MEDICAL RESEARCH;

(b) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR OPERATION FOR VETERINARY PURPOSE, BUT ONLY IF PERFORMED BY OR UNDER THE DIRECT SUPERVISION OF A VETERINARIAN LICENSED UNDER COLORADO LAW;

(c) TRANSPORTATION;

(d) A STATE OR COUNTY FAIR EXHIBITION, A 4-H PROGRAM, AND SIMILAR EXHIBITIONS;

(e) SLAUGHTER, IF DONE IN ACCORDANCE WITH AN APPLICABLE LAW; OR

(f) TEMPORARY PERIODS FOR ANIMAL HUSBANDRY PURPOSES FOR NO MORE THAN SIX HOURS IN ANY TWENTY-FOUR-HOUR PERIOD AND NO MORE THAN TWENTY-FOUR HOURS TOTAL IN ANY THIRTY-DAY PERIOD.

35-21-205. Penalty.

(a) A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR, AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF ONE THOUSAND DOLLARS PER VIOLATION, PER ANIMAL, PER DAY.

(b) IF THE COMMISSIONER IS UNABLE TO COLLECT A CRIMINAL PENALTY OR IF A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR FAILS TO PAY ANY PORTION OF A CRIMINAL PENALTY IMPOSED UNDER THIS SECTION, THE COMMISSIONER MAY RECOVER THE AMOUNT OF THE PENALTY, PLUS COSTS AND ATTORNEY FEES, BY AN ACTION IN A COURT. THE COMMISSIONER IS AUTHORIZED TO PLACE A LIEN ON OR SEEK A COURT-ORDERED PUBLIC AUCTION OF, OR BOTH PLACE A LIEN ON AND SEEK A COURT-ORDERED PUBLIC AUCTION OF, ANY FARM PROPERTY OR EQUIPMENT NECESSARY TO RECOUP UNPAID PENALTIES UNDER THIS SECTION.

(c) IN ADDITION, A VIOLATION OF THIS PART 2 CONSTITUTES UNFAIR AND DECEPTIVE TRADE PRACTICES FOR WHICH ANY PERSON MAY COMMENCE A CIVIL ACTION UNDER SECTION 6-1-113 OF THE "COLORADO CONSUMER PROTECTION ACT".

35-21-206. Enforcement – Rules.

(a) THE COMMISSIONER SHALL ENFORCE THIS PART 2. A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR SHALL ALLOW THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE ACCESS DURING REGULAR BUSINESS HOURS TO THE FARM OR BUSINESS, VEHICLES, AND RECORDS PERTINENT TO ACTIVITIES REGULATED IN THIS PART 2.

(b) THE COMMISSIONER SHALL PROMULGATE RULES GOVERNING THE ENFORCEMENT OF THIS PART 2, INCLUDING RULES GOVERNING THE INSPECTION OF FARMS, SHELL EGGS, AND EGG PRODUCTS SOLD IN COLORADO THAT ARE PRODUCED IN COMPLIANCE WITH THIS PART 2.

(c) THE COMMISSIONER MAY NOT USE A THIRD PARTY OR PRIVATE INSPECTION OR PROCESS VERIFICATION PROVIDER TO ENSURE COMPLIANCE WITH THIS PART 2.

35-21-207. Effects on other animal welfare laws. (1) THIS PART 2 DOES NOT LIMIT OR REPLACE ANY OTHER STATE STATUE OR RULE THAT PROTECTS THE WELFARE OF ANIMALS. THIS PART 2 DOES NOT PREEMPT A LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN ANIMAL WELFARE ORDINANCE, RULE, RESOLUTION, OR CHARTER PROVISION THAT IS MORE STRINGENT THAN THIS PART 2.

SECTION 2. In Colorado Revised Statutes, **replace** article 50.5 of title 35 with the following:

35-50.5-101. Legislative declaration. THE PURPOSE OF THIS ARTICLE IS TO PREVENT ANIMAL CRUELTY BY PHASING OUT EXTREME METHODS OF FARM ANIMAL CONFINEMENT. EXTREME METHODS THREATEN THE HEALTH AND SAFETY OF COLORADO CONSUMERS AND INCREASE THE RISK OF FOOD-BORNE ILLNESS AND ASSOCIATED NEGATIVE FISCAL IMPACTS ON THE STATE OF COLORADO.

35-50.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "BREEDING PIG" MEANS A FEMALE PIG OF THE PORCINE SPECIES THAT IS KEPT FOR THE PURPOSE OF COMMERCIAL BREEDING AND THAT IS 6 MONTHS OF AGE OR OLDER OR PREGNANT.
- (2) "BUSINESS OWNER OR OPERATOR" MEANS ANY PERSON WHO OWNS OR CONTROLS THE OPERATIONS OF A BUSINESS.
- (3) "CALF RAISED FOR VEAL" MEANS ANY CALF OF THE BOVINE SPECIES KEPT FOR THE PURPOSE OF PRODUCING THE FOOD PRODUCT DESCRIBED AS VEAL.
- (4) "COVERED ANIMAL" MEANS ANY CALF RAISED FOR VEAL OR BREEDING PIG THAT IS KEPT ON A FARM.
- (5) "ENCLOSURE" MEANS A STRUCTURE USED TO CONFINE A COVERED ANIMAL OR ANIMALS.
- (6) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES, AND EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE COMMERCIAL PRODUCTION OF ANIMALS FOR FOOD OR FIBER OR ANIMAL PRODUCTS USED FOR FOOD OR FIBER. "FARM" DOES NOT INCLUDE LIVE ANIMAL MARKETS, ESTABLISHMENTS AT WHICH MANDATORY INSPECTION IS PROVIDED UNDER THE FEDERAL "MEAT INSPECTION ACT", 21 U.S.C. SEC. 601 ET SEQ., OR OFFICIAL PLANTS AT WHICH MANDATORY INSPECTION IS MAINTAINED UNDER THE FEDERAL "EGG PRODUCTS INSPECTION ACT", 21 U.S.C. SEC. 1031 ET SEQ.
- (7) "FARM OWNER OR OPERATOR" MEANS ANY PERSON WHO OWNS OR CONTROLS THE OPERATIONS OF A FARM.
- (8) "FULLY EXTENDING THE ANIMAL'S LIMBS" MEANS FULLY EXTENDING ALL LIMBS WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR ANOTHER ANIMAL.
- (9) "PORK MEAT" MEANS MEAT OF A PIG OF THE PORCINE SPECIES INTENDED FOR USE AS HUMAN FOOD.
- (10) "SALE" MEANS A COMMERCIAL SALE BY A BUSINESS THAT SELLS ANY ITEM COVERED BY THIS ARTICLE, BUT DOES NOT INCLUDE ANY SALE UNDERTAKEN AT AN ESTABLISHMENT AT WHICH MANDATORY INSPECTION IS PROVIDED UNDER THE FEDERAL "MEAT INSPECTION ACT", 21 U.S.C. SEC. 601 ET SEQ., OR ANY SALE UNDERTAKEN AT AN OFFICIAL PLANT AT WHICH MANDATORY INSPECTION IS MAINTAINED UNDER THE FEDERAL "EGG PRODUCTS INSPECTION ACT", 21 U.S.C. SEC. 1031 ET SEQ.

(11) "TURNING AROUND FREELY" MEANS TURNING IN A COMPLETE CIRCLE WITHOUT ANY IMPEDIMENT, INCLUDING A TETHER, AND WITHOUT TOUCHING THE SIDE OF AN ENCLOSURE OR ANOTHER ANIMAL.

(12) "UNCOOKED" MEANS RAW AND NOT SUBJECTED TO HEAT OR OTHER COOKING METHODS THAT COULD BE CONSIDERED TO MAKE THE PRODUCT NO LONGER RAW.

(13) "USABLE FLOOR SPACE" MEANS THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE PROVIDED TO EACH COVERED ANIMAL, AS CALCULATED BY DIVIDING THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE PROVIDED TO THE ANIMALS IN AN ENCLOSURE BY THE NUMBER OF ANIMALS IN THAT ENCLOSURE. IN THE CASE OF EGG-LAYING HENS, "USABLE FLOOR SPACE" INCLUDES BOTH GROUND SPACE AND ELEVATED LEVEL FLAT PLATFORMS UPON WHICH HENS CAN ROOST, BUT DOES NOT INCLUDE PERCHES OR RAMPS.

(14) "VEAL MEAT" MEANS MEAT OF A CALF RAISED FOR VEAL INTENDED FOR USE AS HUMAN FOOD.

(15) "WHOLE PORK MEAT" MEANS ANY UNCOOKED CUT OF PORK, INCLUDING BACON, HAM, CHOP, RIBS, RIBLET, LOIN, SHANK, LEG, ROAST, BRISKET, STEAK, SIRLOIN, OR CUTLET THAT IS COMPRISED ENTIRELY OF PORK MEAT, EXCEPT FOR SEASONING, CURING AGENTS, COLORING, FLAVORING, PRESERVATIVES, AND SIMILAR MEAT ADDITIVES. "WHOLE PORK MEAT" DOES NOT INCLUDE COMBINATION FOOD PRODUCTS, INCLUDING SOUPS, SANDWICHES, PIZZAS, HOT DOGS, OR SIMILAR PROCESSED OR PREPARED FOOD PRODUCTS THAT ARE COMPRISED OF MORE THAN PORK MEAT, SEASONING, CURING AGENTS, COLORING, FLAVORING, PRESERVATIVES, AND SIMILAR MEAT ADDITIVES.

(16) "WHOLE VEAL MEAT" MEANS ANY UNCOOKED CUT OF VEAL, INCLUDING CHOP, RIBS, RIBLET, LOIN, SHANK, LEG, ROAST, BRISKET, STEAK, SIRLOIN, OR CUTLET THAT IS COMPRISED ENTIRELY OF VEAL MEAT, EXCEPT FOR SEASONING, CURING AGENTS, COLORING, FLAVORING, PRESERVATIVES, AND SIMILAR MEAT ADDITIVES. "WHOLE VEAL MEAT" DOES NOT INCLUDE COMBINATION FOOD PRODUCTS, INCLUDING SOUPS, SANDWICHES, PIZZAS, HOT DOGS, OR SIMILAR PROCESSED OR PREPARED FOOD PRODUCTS THAT ARE COMPRISED OF MORE THAN VEAL MEAT, SEASONING, CURING AGENTS, COLORING, FLAVORING, PRESERVATIVES, AND SIMILAR MEAT ADDITIVES.

35-50.5-103. Prohibitions.

- (a) A FARM OWNER OR OPERATOR WITHIN THE STATE OF COLORADO SHALL NOT KNOWINGLY:
- (I) CAUSE ANY COVERED ANIMAL TO BE CONFINED IN A CRUEL MANNER THAT PREVENTS THE ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING THE ANIMAL'S LIMBS, OR TURNING AROUND FREELY; AND
 - (II) ON OR AFTER DECEMBER 31, 2021:
 - (A) CONFINE A CALF RAISED FOR VEAL WITH LESS THAN 43 SQUARE FEET OF USABLE FLOOR SPACE PER CALF;
 - (B) CONFINE A BREEDING PIG WITH LESS THAN 24 SQUARE FEET OF USABLE FLOOR SPACE PER PIG.

(b) ON OR AFTER DECEMBER 31, 2021 A BUSINESS OWNER OR OPERATOR SHALL NOT KNOWINGLY ENGAGE IN THE SALE WITHIN THE STATE OF COLORADO OF ANY:

(I) WHOLE VEAL MEAT THAT THE BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD KNOW IS THE MEAT OF A COVERED ANIMAL THAT WAS CONFINED IN A CRUEL MANNER THAT PREVENTS THE ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING THE ANIMAL'S LIMBS, OR TURNING AROUND FREELY AND CONFINES THE ANIMAL WITH LESS THAN 43 SQUARE FEET OF USABLE FLOOR SPACE PER CALF; AND

(II) WHOLE PORK MEAT THAT THE BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD KNOW IS THE MEAT OF A COVERED ANIMAL THAT WAS CONFINED IN A CRUEL MANNER THAT PREVENTS THE ANIMAL FROM LYING DOWN, STANDING UP, FULLY EXTENDING THE ANIMAL'S LIMBS, OR TURNING AROUND FREELY AND CONFINES THE ANIMAL WITH LESS THAN 24 SQUARE FEET OF USABLE FLOOR SPACE PER PIG.

(III) A SALE IS DEEMED TO OCCUR AT THE LOCATION WHERE THE BUYER TAKES PHYSICAL POSSESSION OF AN ITEM COVERED BY THIS ARTICLE.

35-50.5-104. Exceptions. (1) SECTION 35-50.5-103 DOES NOT APPLY DURING:

(a) MEDICAL RESEARCH;

(b) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR OPERATION FOR VETERINARY PURPOSE, BUT ONLY IF PERFORMED BY OR UNDER THE DIRECT SUPERVISION OF A VETERINARIAN LICENSED UNDER COLORADO LAW;

(c) TRANSPORTATION;

(d) A STATE OR COUNTY FAIR EXHIBITION, A 4-H PROGRAM, AND SIMILAR EXHIBITIONS;

(e) SLAUGHTER, IF DONE IN ACCORDANCE WITH AN APPLICABLE LAW;

(f) TEMPORARY PERIODS FOR ANIMAL HUSBANDRY PURPOSES FOR NO MORE THAN SIX HOURS IN ANY TWENTY-FOUR-HOUR PERIOD AND NO MORE THAN TWENTY-FOUR HOURS TOTAL IN ANY THIRTY-DAY PERIOD; OR

(g) TO A BREEDING PIG FIVE DAYS IMMEDIATELY BEFORE THE BREEDING PIG'S EXPECTED DATE OF GIVING BIRTH, AND ANY DAY THAT THE BREEDING PIG IS NURSING PIGLETS.

35-50.5-105. Penalty.

(a) A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR WHO VIOLATES THIS ARTICLE IS GUILTY OF A MISDEMEANOR, AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF ONE THOUSAND DOLLARS PER VIOLATION, PER ANIMAL, PER DAY.

(b) IF THE COMMISSIONER IS UNABLE TO COLLECT A CRIMINAL PENALTY OR IF A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR FAILS TO PAY ANY PORTION OF A CRIMINAL PENALTY IMPOSED UNDER THIS SECTION, THE COMMISSIONER MAY RECOVER THE AMOUNT OF THE PENALTY, PLUS COSTS AND ATTORNEY FEES, BY AN ACTION IN A COURT. THE COMMISSIONER IS AUTHORIZED TO PLACE A LIEN ON OR SEEK A COURT-ORDERED PUBLIC

AUCTION OF, OR BOTH PLACE A LIEN ON AND SEEK A COURT-ORDERED PUBLIC AUCTION OF, ANY FARM PROPERTY OR EQUIPMENT NECESSARY TO RECOUP UNPAID PENALTIES UNDER THIS ARTICLE.

(c) IN ADDITION, A VIOLATION OF THIS ARTICLE CONSTITUTES UNFAIR AND DECEPTIVE TRADE PRACTICES FOR WHICH ANY PERSON MAY COMMENCE A CIVIL ACTION UNDER SECTION 6-1-113 OF THE "COLORADO CONSUMER PROTECTION ACT".

35-50.5-106. Enforcement – Rules.

(a) THE COMMISSIONER SHALL ENFORCE THIS ARTICLE. A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR SHALL ALLOW THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE ACCESS DURING REGULAR BUSINESS HOURS TO THE FARM OR BUSINESS, VEHICLES, AND RECORDS PERTINENT TO ACTIVITIES REGULATED IN THIS ARTICLE.

(b) THE COMMISSIONER SHALL PROMULGATE RULES GOVERNING THE ENFORCEMENT OF THIS ARTICLE, INCLUDING RULES GOVERNING THE INSPECTION OF FARMS, WHOLE PORK MEAT, AND WHOLE VEAL MEAT SOLD IN COLORADO THAT ARE PRODUCED IN COMPLIANCE WITH THIS ARTICLE.

(c) THE COMMISSIONER MAY NOT USE A THIRD PARTY OR PRIVATE INSPECTION OR PROCESS VERIFICATION PROVIDER TO ENSURE COMPLIANCE WITH THIS ARTICLE.

35-50.5-107. Effects on other animal welfare laws. (1) THIS ARTICLE DOES NOT LIMIT OR REPLACE ANY OTHER STATE STATUE OR RULE THAT PROTECTS THE WELFARE OF ANIMALS. THIS ARTICLE DOES NOT PREEMPT A LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN ANIMAL WELFARE ORDINANCE, RULE, RESOLUTION, OR CHARTER PROVISION THAT IS MORE STRINGENT THAN THIS ARTICLE.

.....
Two Colorado Registered Voters:

John Surenkamp
7177 Cedarwood Circle
Boulder, CO 80301
317-363-6204
surenkamp@me.com

John Seber
2210 South Clarkson St.
Denver, Colorado 80210
732-397-4669
johnseber@gmail.com