

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

February 16, 2023  
Date

Committee on Agriculture & Natural Resources.

After consideration on the merits, the Committee recommends the following:

SB23-038 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5 **18-9-210. Equine slaughter for human consumption -**  
6 **transportation - safe harbor - penalties - definitions. (1) Definitions.**

7 AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) "EQUINE" MEANS A HORSE, MULE, OR BURRO.

9 (b) "PREDATOR" MEANS ANY ANIMAL THAT:

10 (I) IS NOT A HUMAN; AND

11 (II) WHEN NOT IN CAPTIVITY, NORMALLY KILLS OTHER ANIMALS  
12 TO CONSUME THE OTHER ANIMALS.

13 (2) **Unlawful acts.** EXCEPT AS PROVIDED IN SUBSECTION (4) OF  
14 THIS SECTION, A PERSON COMMITS UNLAWFUL EQUINE TRANSPORTATION  
15 IF THE PERSON VIOLATES SUBSECTION (3) OF THIS SECTION.

16 (3) A PERSON SHALL NOT TRANSPORT MORE THAN TWENTY  
17 EQUINES IN A VEHICLE TO SLAUGHTER FOR HUMAN CONSUMPTION UNLESS  
18 THE VEHICLE MEETS THE FOLLOWING REQUIREMENTS:

19 (a) THE FLOOR IS CONSTRUCTED OF OR COVERED WITH MATERIAL  
20 THAT PREVENTS EQUINES FROM SKIDDING OR SLIDING;

21 (b) PARTITIONS OF STURDY CONSTRUCTION ARE PLACED A  
22 MINIMUM OF TEN FEET APART IN VEHICLES THAT DO NOT HAVE STALLS;

23 (c) DOORWAYS ARE OF SUFFICIENT HEIGHT TO ALLOW SAFE  
24 INGRESS AND EGRESS OF EACH EQUINE IN THE VEHICLE;

25 (d) RAMPS SUFFICIENT FOR LOADING AND UNLOADING EQUINES  
26 ARE PROVIDED IF THE VERTICAL DISTANCE FROM THE FLOOR OF THE  
27 COMPARTMENT CONTAINING EQUINES TO THE GROUND IS GREATER THAN

1 FIFTEEN INCHES;  
2 (e) THE VEHICLE:  
3 (I) PROVIDES ADEQUATE VENTILATION FOR THE EQUINES; AND  
4 (II) DOES NOT TRANSPORT EQUINES ON MULTIPLE TIERS IN WHICH  
5 AN EQUINE STANDS ON A FLOOR THAT IS ABOVE AT LEAST ONE OTHER  
6 EQUINE; AND  
7 (f) THE INTERIORS OF COMPARTMENTS CONTAINING EQUINES ARE:  
8 (I) CONSTRUCTED OF SMOOTH MATERIALS CONTAINING NO SHARP  
9 OBJECTS OR HAZARDOUS PROTRUSIONS, EXCEPT AS PROVIDED IN  
10 SUBSECTION (3)(a) OF THIS SECTION; AND  
11 (II) HIGH ENOUGH TO ALLOW CLEARANCE ABOVE THE POLL AND  
12 WITHERS OF EACH HORSE IN THE COMPARTMENT.  
13 (4) **Safe harbor.** IT IS NOT UNLAWFUL EQUINE TRANSPORTATION  
14 FOR A PERSON TO:  
15 (a) EXPORT AN EQUINE FROM THE STATE IF THE EQUINE IS  
16 SLAUGHTERED FOR USE BY A FACILITY TO FEED PREDATORS HOUSED AT  
17 THE FACILITY; OR  
18 (b) EXPORT EQUINE MEAT FROM THE STATE IN OR THROUGH A  
19 SECONDARY MARKET FOR EQUINE PRODUCTS IF THE EQUINE WAS  
20 SLAUGHTERED FOR USE BY A FACILITY TO FEED PREDATORS HOUSED AT  
21 THE FACILITY.  
22 (5) **Acts that are separate offenses.** EACH EPISODE OF EQUINES  
23 BEING TRANSPORTED IN VIOLATION OF SUBSECTION (3) OF THIS SECTION IS  
24 A SEPARATE OFFENSE.  
25 (6) **Penalties.** (a) EXCEPT AS PROVIDED IN SUBSECTIONS (6)(b)  
26 AND (6)(c) OF THIS SECTION, A PERSON WHO COMMITS UNLAWFUL EQUINE  
27 TRANSPORTATION IS GUILTY OF A MISDEMEANOR, AND UPON CONVICTION,  
28 MAY BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS.  
29 (b) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT ACT OF  
30 UNLAWFUL EQUINE TRANSPORTATION IS GUILTY OF A MISDEMEANOR IF  
31 THE PERSON WAS CONVICTED OF OR PLED NOLO CONTENDERE TO  
32 UNLAWFUL EQUINE TRANSPORTATION WITHIN THE PREVIOUS TEN YEARS  
33 AND, UPON CONVICTION OF A SECOND OR SUBSEQUENT OFFENSE, THE  
34 COURT MAY IMPOSE UPON THE PERSON A FINE OF UP TO TWO THOUSAND  
35 FIVE HUNDRED DOLLARS.  
36 (c) A PERSON WHO COMMITS UNLAWFUL EQUINE TRANSPORTATION  
37 AND WHO OBTAINED THE EQUINE BY FRAUD OR THEFT IS GUILTY OF A  
38 MISDEMEANOR AND, UPON CONVICTION, THE COURT MAY IMPOSE UPON  
39 THE PERSON A FINE OF UP TO FIVE THOUSAND DOLLARS.  
40 **SECTION 2.** In Colorado Revised Statutes, **amend 35-55-105** as  
41 follows:  
42 **35-55-105. Posting licenses - required notices.** (1) A certified  
43 copy of an issued license may be procured by the holder of the original

1 LICENSE upon payment of a fee of one dollar. ~~therefor, and~~ THE LICENSE  
2 HOLDER SHALL POST the original or certified copy of ~~said~~ THE license ~~shall~~  
3 ~~be posted~~ during sale periods in a conspicuous place on the premises  
4 where the public livestock market is conducted.

5 (2) (a) AT A PUBLIC AUCTION OR SALE WHERE EQUINE LIVESTOCK,  
6 AS DEFINED IN SECTION 35-41-100.3 (1.7), ARE PURCHASED, THE  
7 MANAGEMENT OF THE AUCTION OR SALE SHALL GIVE THE EQUINE  
8 LIVESTOCK BUYER THE NOTICE DESCRIBED IN SUBSECTION (2)(b) OF THIS  
9 SECTION BY POSTING THE NOTICE:

10 (I) ON A SIGN MEASURING A MINIMUM OF SIXTEEN INCHES BY TEN  
11 INCHES WITH LETTERING OF A MINIMUM OF NINETY-ONE-POINT FONT; AND

12 (II) IN A CONSPICUOUS LOCATION THAT IS CLEARLY VISIBLE TO A  
13 MAJORITY OF THE PEOPLE ATTENDING THE PUBLIC AUCTION.

14 (b) TO COMPLY WITH THIS SUBSECTION (2), THE NOTICE MUST  
15 READ AS FOLLOWS:

16 WARNING:

17 THE TRANSPORTATION OF EQUINE LIVESTOCK INTENDED  
18 FOR SLAUGHTER FOR HUMAN CONSUMPTION IN VIOLATION  
19 OF SECTION 18-9-210 IS PUNISHABLE BY A FINE OF UP TO  
20 ONE THOUSAND DOLLARS.

21 **SECTION 3. Act subject to petition - effective date -**  
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
23 the expiration of the ninety-day period after final adjournment of the  
24 general assembly; except that, if a referendum petition is filed pursuant  
25 to section 1 (3) of article V of the state constitution against this act or an  
26 item, section, or part of this act within such period, then the act, item,  
27 section, or part will not take effect unless approved by the people at the  
28 general election to be held in November 2024 and, in such case, will take  
29 effect on the date of the official declaration of the vote thereon by the  
30 governor.

31 (2) This act applies to acts committed on or after the applicable  
32 effective date of this act."

33 Page 1, strike lines 101 and 102 and substitute:

34 "CONCERNING THE IMPOSITION OF CERTAIN REQUIREMENTS WHEN  
35 TRANSPORTING AT LEAST TWENTY EQUINE FOR SLAUGHTER FOR  
36 HUMAN CONSUMPTION."

\*\* \*\*\* \*\* \*\*\* \*\*