

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0604.01 Jery Payne x2157

HOUSE BILL 20-1343

HOUSE SPONSORSHIP

Roberts, Kipp, Mullica, Singer, Valdez D., Young

SENATE SPONSORSHIP

Donovan, Ginal, Winter

House Committees
Rural Affairs & Agriculture

Senate Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING CONFINEMENT STANDARDS FOR EGG-LAYING HENS**
102 **WHOSE EGGS ARE SOLD.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a farm owner or operator to house chicken, turkey, duck, goose, or guinea fowl hens (hens) in accordance with the standards established in the bill. And the bill prohibits, on and after January 1, 2022, a business owner or operator from selling shell eggs or egg products that are produced by egg-laying hens that were confined in a manner that conflicts with these standards. In connection with this

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
June 10, 2020

SENATE
2nd Reading Unamended
June 9, 2020

HOUSE
3rd Reading Unamended
June 3, 2020

HOUSE
Amended 2nd Reading
June 1, 2020

prohibition, the bill:

- ! Requires, by January 1, 2022, hens to be confined in an enclosure with at least one square foot of usable floor space per hen;
- ! Requires, by January 1, 2024, hens to be confined in a cage-free housing system with at least:
 - ! One square foot of usable floor space per hen if the hens have unfettered access to vertical space; or
 - ! One and one-half square feet of usable floor space per hen if the hens do not have unfettered access to vertical space;
- ! Deems a sale to have occurred at the location where the buyer takes physical possession of the shell egg or egg product;
- ! Allows a business to rely upon written certification that the shell egg or egg product did not come from hens that were confined in a manner that conflicts with the bill;
- ! Authorizes the commissioner of agriculture to impose a civil penalty up to \$1,000 per violation;
- ! Makes the commissioner responsible for promulgating rules to implement and enforce the bill; and
- ! Authorizes the commissioner to use a government or private inspection process.

The bill requires shell eggs and egg products to be annually certified as in compliance. Certification requires an inspection.

The following are exempt from the bill's requirements:

- ! Medical research;
- ! Veterinary purposes;
- ! Transportation;
- ! A state or county fair exhibition, a 4-H program, and similar exhibitions;
- ! Slaughter;
- ! Temporary periods for animal husbandry;
- ! A farm with 3,000 or fewer egg-laying hens; or
- ! A business owner or operator selling fewer than 25 cases of shell eggs per week.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article
3 21 of title 35 as follows:

4 **PART 2**

1 WITHIN THE EGG-LAYING HENS' USABLE FLOOR SPACE.

2 (b) "CAGE-FREE HOUSING SYSTEM" INCLUDES MULTI-TIERED
3 AVIARIES, PARTIALLY SLATTED SYSTEMS, AND SINGLE-LEVEL ALL-LITTER
4 FLOOR SYSTEMS.

5 (c) "CAGE-FREE HOUSING SYSTEM" DOES NOT INCLUDE SYSTEMS
6 COMMONLY DESCRIBED AS BATTERY CAGES, COLONY CAGES, ENRICHED
7 CAGES, ENRICHED COLONY CAGES, MODIFIED CAGES, CONVERTIBLE CAGES,
8 FURNISHED CAGES, OR SIMILAR CAGE SYSTEMS.

9 (3) "COMMISSIONER" MEANS THE COMMISSIONER OF
10 AGRICULTURE.

11 (4) "EGG-LAYING HEN" MEANS A FEMALE DOMESTICATED
12 CHICKEN, TURKEY, DUCK, GOOSE, OR GUINEA FOWL KEPT FOR THE PURPOSE
13 OF COMMERCIAL EGG PRODUCTION.

14 (5) (a) "EGG PRODUCT" MEANS AN EGG OF AN EGG-LAYING HEN
15 THAT IS SEPARATED FROM THE SHELL AND INTENDED FOR HUMAN FOOD,
16 WHETHER IN LIQUID, SOLID, DRIED, OR FROZEN FORM, WHETHER RAW OR
17 COOKED, AND WITH:

18 (I) THE EGG YOLK AND EGG WHITE IN THEIR NATURAL
19 PROPORTIONS; OR

20 (II) THE EGG YOLK AND EGG WHITE SEPARATED, MIXED, OR MIXED
21 AND STRAINED.

22 (b) "EGG PRODUCT" DOES NOT INCLUDE COMBINATION FOOD
23 PRODUCTS, INCLUDING PANCAKE MIXES, CAKE MIXES, COOKIES, PIZZAS,
24 COOKIE DOUGH, OR ICE CREAM, THAT INCLUDE EGG AS ONE OF MULTIPLE
25 INGREDIENTS IN THE PRODUCT; EXCEPT THAT MERELY ADDING SUGAR,
26 SALT, WATER, SEASONING, COLORING, FLAVORING, PRESERVATIVES,
27 STABILIZERS, OR SIMILAR FOOD ADDITIVES DOES NOT MAKE AN EGG

1 PRODUCT A COMBINATION FOOD PRODUCT.

2 (6) "ENCLOSURE" MEANS A STRUCTURE USED TO CONFINE AN
3 EGG-LAYING HEN.

4 (7) (a) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES,
5 AND OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE
6 COMMERCIAL PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR
7 FOOD.

8 (b) "FARM" DOES NOT INCLUDE LIVE ANIMAL MARKETS OR
9 OFFICIAL PLANTS WHERE MANDATORY INSPECTION IS MAINTAINED UNDER
10 THE FEDERAL "EGG PRODUCTS INSPECTION ACT", 21 U.S.C. SEC. 1031 ET
11 SEQ., AS AMENDED.

12 (8) "FARM OWNER OR OPERATOR" MEANS A PERSON THAT OWNS A
13 FARM OR CONTROLS THE OPERATIONS OF A FARM.

14 (9) "MULTI-TIERED AVIARY" MEANS A CAGE-FREE HOUSING
15 SYSTEM WHERE EGG-LAYING HENS HAVE UNFETTERED ACCESS TO
16 MULTIPLE ELEVATED PLATFORMS THAT PROVIDE THE EGG-LAYING HENS
17 WITH USABLE FLOOR SPACE BOTH ON TOP OF AND UNDERNEATH THE
18 PLATFORMS.

19 (10) "PARTIALLY SLATTED SYSTEM" MEANS A CAGE-FREE HOUSING
20 SYSTEM WHERE EGG-LAYING HENS HAVE UNFETTERED ACCESS TO
21 ELEVATED FLAT PLATFORMS UNDER WHICH MANURE DROPS THROUGH THE
22 FLOORING TO A PIT OR LITTER REMOVAL BELT BELOW THE PLATFORM.

23 (11) "SALE" MEANS A COMMERCIAL SALE BY A BUSINESS THAT
24 SELLS ANY ITEM COVERED BY THIS PART 2. "SALE" DOES NOT INCLUDE ANY
25 SALE UNDERTAKEN AT AN OFFICIAL PLANT WHERE MANDATORY
26 INSPECTION IS MAINTAINED UNDER THE FEDERAL "EGG PRODUCTS
27 INSPECTION ACT", 21 U.S.C. SEC. 1031 ET SEQ., AS AMENDED.

1 (12) "SHELL EGG" MEANS A WHOLE EGG OF AN EGG-LAYING HEN
2 IN ITS SHELL FORM, INTENDED FOR USE AS HUMAN FOOD.

3 (13) "SINGLE-LEVEL ALL-LITTER FLOOR SYSTEM" MEANS A
4 CAGE-FREE HOUSING SYSTEM BEDDED WITH LITTER WHERE EGG-LAYING
5 HENS HAVE LIMITED OR NO ACCESS TO ELEVATED FLAT PLATFORMS.

6 (14) (a) "USABLE FLOOR SPACE":

7 (I) MEANS THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE
8 PROVIDED TO EACH EGG-LAYING HEN, AS CALCULATED BY DIVIDING THE
9 TOTAL SQUARE FOOTAGE OF FLOOR SPACE PROVIDED TO EGG-LAYING HENS
10 IN AN ENCLOSURE BY THE NUMBER OF EGG-LAYING HENS IN THAT
11 ENCLOSURE; AND

12 (II) INCLUDES BOTH GROUND SPACE AND ELEVATED LEVEL OR
13 NEARLY LEVEL FLAT PLATFORMS UPON WHICH EGG-LAYING HENS CAN
14 ROOST.

15 (b) "USABLE FLOOR SPACE" DOES NOT INCLUDE PERCHES OR
16 RAMPS.

17 **35-21-203. Enclosure requirements - repeal.** (1) (a) (I) ON AND
18 AFTER JANUARY 1, 2023, A FARM OWNER OR OPERATOR SHALL NOT
19 KNOWINGLY CONFINE AN EGG-LAYING HEN IN AN ENCLOSURE WITH LESS
20 THAN ONE SQUARE FOOT OF USABLE FLOOR SPACE PER EGG-LAYING HEN.

21 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JANUARY 1,
22 2025.

23 (b) ON AND AFTER JANUARY 1, 2025, A FARM OWNER OR
24 OPERATOR SHALL NOT KNOWINGLY CONFINE AN EGG-LAYING HEN IN AN
25 ENCLOSURE:

26 (I) THAT IS NOT A CAGE-FREE HOUSING SYSTEM; OR

27 (II) THAT HAS LESS THAN:

1 (A) ONE SQUARE FOOT OF USABLE FLOOR SPACE PER EGG-LAYING
2 HEN IN A CAGE-FREE HOUSING SYSTEM THAT PROVIDES EGG-LAYING HENS
3 WITH UNFETTERED ACCESS TO VERTICAL SPACE, SUCH AS A MULTI-TIERED
4 AVIARY OR A PARTIALLY SLATTED SYSTEM; OR

5 (B) ONE AND ONE-HALF SQUARE FEET OF USABLE FLOOR SPACE PER
6 EGG-LAYING HEN IN A CAGE-FREE HOUSING SYSTEM THAT DOES NOT
7 PROVIDE EGG-LAYING HENS WITH UNFETTERED ACCESS TO VERTICAL
8 SPACE, SUCH AS A SINGLE-LEVEL ALL-LITTER FLOOR SYSTEM.

9 (2) (a) A BUSINESS OWNER OR OPERATOR SHALL NOT KNOWINGLY
10 SELL OR TRANSPORT FOR SALE IN THE STATE A SHELL EGG OR EGG
11 PRODUCT THAT THE BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD
12 KNOW WAS PRODUCED BY AN EGG-LAYING HEN THAT WAS CONFINED IN A
13 MANNER THAT CONFLICTS WITH THE STANDARDS REQUIRED IN SUBSECTION
14 (1) OF THIS SECTION.

15 (b) (I) THIS SUBSECTION (2) TAKES EFFECT JANUARY 1, 2023.

16 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JANUARY 1,
17 2025.

18 (3) FOR THE PURPOSES OF THIS PART 2, A SALE IS DEEMED TO
19 OCCUR AT THE LOCATION WHERE THE BUYER TAKES PHYSICAL POSSESSION
20 OF THE ITEM.

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

23 (a) MEDICAL RESEARCH;

24 (b) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR
25 OPERATION FOR VETERINARY PURPOSES, BUT ONLY IF PERFORMED BY OR
26 UNDER THE DIRECT SUPERVISION OF A VETERINARIAN LICENSED IN
27 ACCORDANCE WITH ARTICLE 315 OF TITLE 12;

- 1 (c) TRANSPORTATION;
- 2 (d) A STATE OR COUNTY FAIR EXHIBITION, A 4-H PROGRAM, AND
- 3 SIMILAR EXHIBITIONS;
- 4 (e) SLAUGHTER, IF DONE IN ACCORDANCE WITH AN APPLICABLE
- 5 LAW; OR
- 6 (f) TEMPORARY PERIODS FOR ANIMAL HUSBANDRY PURPOSES FOR
- 7 NO MORE THAN SIX HOURS IN ANY TWENTY-FOUR-HOUR PERIOD AND NO
- 8 MORE THAN TWENTY-FOUR HOURS TOTAL IN ANY THIRTY-DAY PERIOD.

9 (2) THIS PART 2 DOES NOT APPLY TO:

10 (a) THE PRODUCTION IN THE STATE, SALE IN THE STATE, OR

11 TRANSPORT FOR SALE IN THE STATE OF SHELL EGGS BY A FARM OWNER OR

12 OPERATOR WITH ANNUAL SHELL EGG PRODUCTION FROM THREE THOUSAND

13 OR FEWER EGG-LAYING HENS IF ALL SHELL EGGS SOLD IN THE STATE OR

14 TRANSPORTED FOR SALE IN THE STATE BY THE FARM OWNER OR OPERATOR

15 ARE DERIVED FROM THREE THOUSAND OR FEWER EGG-LAYING HENS; OR

16 (b) THE SALE OF OR TRANSPORT FOR SALE OF SHELL EGGS IN THE

17 STATE BY A BUSINESS OWNER OR OPERATOR AT ONE OR MORE BUSINESS

18 LOCATIONS IN THE STATE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

19 (I) EACH BUSINESS LOCATION OWNED BY OR OPERATED BY THE

20 BUSINESS OWNER OR OPERATOR SELLS FEWER THAN TWENTY-FIVE CASES

21 OF THIRTY DOZEN SHELL EGGS PER WEEK;

22 (II) ALL BUSINESS LOCATIONS OWNED BY OR OPERATED BY THE

23 BUSINESS OWNER OR OPERATOR COLLECTIVELY SELL FEWER THAN ONE

24 HUNDRED CASES OF THIRTY DOZEN SHELL EGGS PER WEEK; AND

25 (III) THE BUSINESS OWNER OR OPERATOR IS NOT A FARM OWNER

26 OR OPERATOR.

27 **35-21-205. Defense.** IT IS A DEFENSE IN A PROCEEDING TO

1 ENFORCE THIS PART 2 THAT A BUSINESS OWNER OR OPERATOR RELIED IN
2 GOOD FAITH UPON A WRITTEN CERTIFICATION BY THE SUPPLIER THAT THE
3 SHELL EGG OR EGG PRODUCT WAS NOT DERIVED FROM AN EGG-LAYING HEN
4 THAT WAS CONFINED IN A MANNER THAT CONFLICTS WITH THE STANDARDS
5 IN SECTION 35-21-203 (1).

6 **35-21-206. Penalty.** (1) IF A FARM OWNER OR OPERATOR OR
7 BUSINESS OWNER OR OPERATOR VIOLATES THIS PART 2, THE
8 COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE
9 THOUSAND DOLLARS PER VIOLATION.

10 (2) IF THE COMMISSIONER IS UNABLE TO COLLECT A CIVIL PENALTY
11 OR IF A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR
12 FAILS TO PAY ANY PORTION OF A CIVIL PENALTY IMPOSED UNDER THIS
13 SECTION, THE COMMISSIONER MAY RECOVER THE AMOUNT OF THE
14 PENALTY, PLUS COSTS AND ATTORNEY FEES, BY AN ACTION IN A COURT.

15 (3) THE COMMISSIONER SHALL NOT IMPOSE A CIVIL PENALTY
16 UNLESS THE PERSON CHARGED IS GIVEN NOTICE AND OPPORTUNITY FOR A
17 HEARING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

18 **35-21-207. Enforcement - rules.** (1) THE COMMISSIONER SHALL
19 ENFORCE THIS PART 2. A FARM OWNER OR OPERATOR OR A BUSINESS
20 OWNER OR OPERATOR SHALL ALLOW THE COMMISSIONER OR THE
21 COMMISSIONER'S DESIGNEE ACCESS DURING REGULAR BUSINESS HOURS TO
22 THE FARM OR BUSINESS, VEHICLES, AND RECORDS PERTINENT TO
23 ACTIVITIES REGULATED IN THIS PART 2.

24 (2) THE COMMISSIONER SHALL PROMULGATE RULES GOVERNING
25 THE ENFORCEMENT OF THIS PART 2, INCLUDING RULES GOVERNING THE
26 INSPECTION OF FARMS, SHELL EGGS, AND EGG PRODUCTS, TO ENSURE
27 SHELL EGGS AND EGG PRODUCTS SOLD IN COLORADO ARE PRODUCED IN

1 COMPLIANCE WITH THIS PART 2.

2 (3) THE COMMISSIONER MAY USE A GOVERNMENT OR PRIVATE
3 INSPECTION OR PROCESS VERIFICATION PROVIDER TO ENSURE COMPLIANCE
4 WITH THIS PART 2. TO RELY ON A GOVERNMENT OR PRIVATE INSPECTION
5 OR PROCESS VERIFICATION PROVIDER, THE COMMISSIONER MUST APPROVE
6 THE SPECIFIC INSPECTION OR PROCESS VERIFICATION PROVIDER AS
7 COMPETENT TO ENSURE COMPLIANCE WITH THIS PART 2 DURING BOTH
8 PRODUCTION AND HANDLING OF SHELL EGGS AND EGG PRODUCTS.

9 **35-21-208. Certification - repeal.** (1) (a) TO SELL SHELL EGGS
10 ANDEGG PRODUCTS, TO OFFER TO SELL SHELL EGGS OR EGG PRODUCTS, OR
11 TO TRANSPORT SHELL EGGS OR EGG PRODUCTS FOR SALE WITHIN THE
12 STATE:

13 (I) A FARM OWNER OR OPERATOR MUST OBTAIN A CERTIFICATE
14 THAT THE SHELL EGGS OR EGG PRODUCTS ARE PRODUCED IN COMPLIANCE
15 WITH THIS PART 2 FROM THE COMMISSIONER;

16 (II) A BUSINESS OWNER OR OPERATOR MUST OBTAIN A COPY OF
17 THE CERTIFICATE ISSUED UNDER SUBSECTION (1)(a)(I) OF THIS SECTION
18 FROM A FARM OWNER OR OPERATOR THAT THE SHELL EGGS OR EGG
19 PRODUCTS COMPLY WITH THIS PART 2. THE BUSINESS OWNER OR
20 OPERATOR SHALL RETAIN THE COPY AND PROVIDE THE COPY TO THE
21 COMMISSIONER UPON REQUEST.

22 (b) THE COMMISSIONER SHALL CERTIFY SHELL EGGS AND EGG
23 PRODUCTS AS COMPLIANT WITH THIS PART 2 IF:

24 (I) THE ENCLOSURES FOR THE EGG-LAYING HENS ARE INSPECTED
25 IN ACCORDANCE WITH THE RULES PROMULGATED UNDER SECTION
26 35-21-207 (2); OR

27 (II) THE COMMISSIONER DETERMINES THE SHELL EGGS AND EGG

1 PRODUCTS ARE ACCOMPANIED WITH DOCUMENTATION PROVING THE
2 ENCLOSURES FOR THE EGG-LAYING HENS HAVE UNDERGONE GOVERNMENT
3 OR PRIVATE INSPECTION AND PROCESS VERIFICATION SERVICES DESCRIBED
4 IN SECTION 35-21-207 (3).

5 (2) THE CERTIFICATION ISSUED UNDER THIS SECTION EXPIRES AT
6 THE END OF THE CALENDAR YEAR.

7 (3) (a) THIS SECTION APPLIES TO THE SALE OF, AN OFFER TO SELL,
8 OR THE TRANSPORTATION OF SHELL EGGS AND EGG PRODUCTS FOR SALE
9 WITHIN THE STATE OCCURRING ON OR AFTER JANUARY 1, 2023.

10 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,
11 2025.

12 **35-21-209. Effects on other animal welfare laws.** THIS PART 2
13 DOES NOT LIMIT OR REPLACE ANY OTHER STATE STATUTE OR RULE THAT
14 PROTECTS THE WELFARE OF ANIMALS. THIS PART 2 DOES NOT PREEMPT A
15 LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN
16 ANIMAL WELFARE ORDINANCE, RULE, RESOLUTION, OR CHARTER
17 PROVISION THAT IS MORE STRINGENT THAN THIS PART 2.

18 **SECTION 2.** In Colorado Revised Statutes, 35-1-106, **amend**
19 (1)(p)(I) as follows:

20 **35-1-106. Powers and duties of commission.** (1) In addition to
21 all other powers and duties conferred upon the commission by this article
22 1, the commission has the following specific powers and duties:

23 (p) (I) In consultation with interested industry groups, to fix,
24 assess, and collect fees in amounts sufficient to recover the department's
25 direct and indirect costs incurred in carrying out and enforcing the
26 provisions of articles 12, 13, 14, ~~24~~, 33, 36, 37, and 60 of this title 35,
27 PART 1 OF ARTICLE 21 OF THIS TITLE 35, and part 2 of article 43 of this title

1 35.

2 **SECTION 3.** In Colorado Revised Statutes, 35-21-101, **amend**
3 the introductory portion as follows:

4 **35-21-101. Definitions.** As used in this ~~article~~ PART 1, unless the
5 context otherwise requires:

6 **SECTION 4.** In Colorado Revised Statutes, 35-21-104, **amend**
7 (4)(j) as follows:

8 **35-21-104. Licenses - application - fees - rules.** (4) (j) For the
9 fiscal year commencing on July 1, 2007, and for each subsequent fiscal
10 year, the agricultural commission shall establish a fee schedule to cover
11 all of the direct and indirect costs of administering and enforcing ~~the~~
12 ~~provisions of this article~~ THIS PART 1.

13 **SECTION 5.** In Colorado Revised Statutes, 35-21-105, **amend**
14 (1) and (2)(a) as follows:

15 **35-21-105. Exemption.** (1) Except as provided in subsection (2)
16 of this section, a person who produces and sells, only on the premises at
17 which the eggs were produced, at a farmers' market, or through a
18 community-supported agricultural organization, less than two hundred
19 fifty dozen eggs per month is exempt from this ~~article~~ PART 1; except that
20 such a producer may apply for a dealer's license and, upon compliance
21 with this ~~article~~ PART 1, be issued a dealer's license.

22 (2) A person transporting eggs for sale at a farmers' market or
23 similar venue under subsection (1) of this section shall:

24 (a) Comply with the transport requirements of section 35-21-103
25 (3) and any rules, including rules requiring refrigeration, promulgated
26 under this ~~article~~ PART 1 regarding the safe transport and washing of eggs;
27 and

1 **SECTION 6.** In Colorado Revised Statutes, 35-21-106, **amend**
2 (1) as follows:

3 **35-21-106. Rules - commissioner to enforce - procedure.**

4 (1) The commissioner is authorized to formulate rules relating to
5 licensing, transporting, processing, labeling, sale, storage, inspection, and
6 record keeping as the commissioner may deem proper and necessary for
7 the furtherance and enforcement of this ~~article~~. ~~Such~~ PART 1. THE rules
8 shall be promulgated in accordance with article 4 of title 24. ~~C.R.S.~~

9 **SECTION 7.** In Colorado Revised Statutes, **amend** 35-21-107 as
10 follows:

11 **35-21-107. Penalty.** (1) Any person who violates any of the
12 provisions of this ~~article~~ PART 1 is guilty of a misdemeanor. It is the duty
13 of the commissioner to notify the district attorney of the judicial district
14 in which a violation occurs, and the district attorney of said district shall
15 conduct such proceedings as may be necessary with the cooperation of the
16 commissioner. Upon conviction in any court of competent jurisdiction,
17 any person in violation of ~~any of the provisions of this article~~ THIS PART
18 1 shall be punished by a fine of not more than five hundred dollars. Each
19 calendar day on which such a violation occurs shall constitute a separate
20 violation. Fines and penalties imposed under this ~~article~~ PART 1 shall be
21 collected and remitted as provided by law.

22 (2) After proper hearing as provided in article 4 of title 24, ~~C.R.S.~~,
23 the commissioner may deny an application for licensure, place a licensee
24 on probation, or restrict, suspend, revoke, or refuse to renew the license
25 of a person who violates ~~any of the provisions of this article~~ THIS PART 1
26 or any rule adopted under this ~~article~~. ~~Such~~ PART 1. THE restriction,
27 revocation, or suspension of or refusal to renew a license may be in

1 addition to, or in lieu of, any penalties or fines imposed in subsection (1)
2 of this section.

3 **SECTION 8.** In Colorado Revised Statutes, 35-21-107.5, **amend**
4 (1)(a) as follows:

5 **35-21-107.5. Civil penalties.** (1) (a) The commissioner may
6 impose a civil penalty on any person who violates ~~any provision of this~~
7 ~~article~~ THIS PART 1 or any rule adopted under this ~~article~~. ~~Such~~ PART 1.
8 THE penalty ~~shall~~ MUST not exceed seven hundred fifty dollars per day per
9 violation.

10 **SECTION 9. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2020 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.