

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0066.01 Jery Payne x2157

SENATE BILL 23-038

SENATE SPONSORSHIP

Jaquez Lewis,

HOUSE SPONSORSHIP

Garcia,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPOSITION OF CERTAIN REQUIREMENTS WHEN**
102 **TRANSPORTING AT LEAST TWENTY EQUINE FOR SLAUGHTER FOR**
103 **HUMAN CONSUMPTION.**

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>.)

Section 1 of the bill establishes the crime of unlawful equine slaughter. A person engages in unlawful equine slaughter if the person:

- Slaughters an equine when the person knows or reasonably should know that any part of the equine will be used for human consumption;

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

- Possesses, imports into the state, exports from the state, buys, sells, gives away, or accepts an equine with the intent of killing, or having another person kill, the equine if the person knows or reasonably should know that any part of the equine will be used for human consumption; or
- Possesses, imports into the state, exports from the state, buys, sells, gives away, or accepts equine meat if the person knows or reasonably should know that the meat will be used for human consumption.

Section 1 provides a safe harbor to the offense for equine slaughtered for use by a facility in feeding predators housed at the facility.

Each equine that is unlawfully slaughtered and each 100 pounds of equine meat derived from unlawful slaughter is a separate offense. A first violation is a class 1 misdemeanor with a mandatory minimum fine of \$1,000, and a second or subsequent violation within a 10-year period is a class 5 felony with a mandatory minimum fine of \$5,000. If a person obtains the equine by fraud and commits unlawful equine slaughter, it is a class 4 felony with a mandatory minimum fine of \$10,000. In addition, a person that commits unlawful equine slaughter is forever prohibited from owning, possessing, or caring for an equine and from participating in a public livestock market for 3 to 5 years.

Sections 2 and 3 require notice of the crime of unlawful equine slaughter to be given at livestock auctions and on bills of sale.

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

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

4 **18-9-210. Equine slaughter for human consumption -**
 5 **transportation - safe harbor - penalties - definitions. (1) Definitions.**

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

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

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

9 (I) IS NOT A HUMAN; AND

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

12 (2) Unlawful acts. EXCEPT AS PROVIDED IN SUBSECTION (4) OF

1 THIS SECTION, A PERSON COMMITS UNLAWFUL EQUINE TRANSPORTATION
2 IF THE PERSON VIOLATES SUBSECTION (3) OF THIS SECTION.

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

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

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

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

12 (d) RAMPS SUFFICIENT FOR LOADING AND UNLOADING EQUINES
13 ARE PROVIDED IF THE VERTICAL DISTANCE FROM THE FLOOR OF THE
14 COMPARTMENT CONTAINING EQUINES TO THE GROUND IS GREATER THAN
15 FIFTEEN INCHES;

16 (e) THE VEHICLE:

17 (I) PROVIDES ADEQUATE VENTILATION FOR THE EQUINES; AND

18 (II) DOES NOT TRANSPORT EQUINES ON MULTIPLE TIERS IN WHICH
19 AN EQUINE STANDS ON A FLOOR THAT IS ABOVE AT LEAST ONE OTHER
20 EQUINE; AND

21 (f) THE INTERIORS OF COMPARTMENTS CONTAINING EQUINES ARE:

22 (I) CONSTRUCTED OF SMOOTH MATERIALS CONTAINING NO SHARP
23 OBJECTS OR HAZARDOUS PROTRUSIONS, EXCEPT AS PROVIDED IN
24 SUBSECTION (3)(a) OF THIS SECTION; AND

25 (II) HIGH ENOUGH TO ALLOW CLEARANCE ABOVE THE POLL AND
26 WITHERS OF EACH HORSE IN THE COMPARTMENT.

27 (4) **Safe harbor.** IT IS NOT UNLAWFUL EQUINE TRANSPORTATION

1 FOR A PERSON TO:

2 (a) EXPORT AN EQUINE FROM THE STATE IF THE EQUINE IS
3 SLAUGHTERED FOR USE BY A FACILITY TO FEED PREDATORS HOUSED AT
4 THE FACILITY; OR

5 (b) EXPORT EQUINE MEAT FROM THE STATE IN OR THROUGH A
6 SECONDARY MARKET FOR EQUINE PRODUCTS IF THE EQUINE WAS
7 SLAUGHTERED FOR USE BY A FACILITY TO FEED PREDATORS HOUSED AT
8 THE FACILITY.

9 (5) Acts that are separate offenses. EACH EPISODE OF EQUINES
10 BEING TRANSPORTED IN VIOLATION OF SUBSECTION (3) OF THIS SECTION IS
11 A SEPARATE OFFENSE.

12 (6) Penalties. (a) EXCEPT AS PROVIDED IN SUBSECTIONS (6)(b)
13 AND (6)(c) OF THIS SECTION, A PERSON WHO COMMITS UNLAWFUL EQUINE
14 TRANSPORTATION IS GUILTY OF A MISDEMEANOR, AND UPON CONVICTION,
15 MAY BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS.

16 (b) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT ACT OF
17 UNLAWFUL EQUINE TRANSPORTATION IS GUILTY OF A MISDEMEANOR IF
18 THE PERSON WAS CONVICTED OF OR PLED NOLO CONTENDERE TO
19 UNLAWFUL EQUINE TRANSPORTATION WITHIN THE PREVIOUS TEN YEARS
20 AND, UPON CONVICTION OF A SECOND OR SUBSEQUENT OFFENSE, THE
21 COURT MAY IMPOSE UPON THE PERSON A FINE OF UP TO TWO THOUSAND
22 FIVE HUNDRED DOLLARS.

23 (c) A PERSON WHO COMMITS UNLAWFUL EQUINE TRANSPORTATION
24 AND WHO OBTAINED THE EQUINE BY FRAUD OR THEFT IS GUILTY OF A
25 MISDEMEANOR AND, UPON CONVICTION, THE COURT MAY IMPOSE UPON
26 THE PERSON A FINE OF UP TO FIVE THOUSAND DOLLARS.

27 **SECTION 2.** In Colorado Revised Statutes, **amend 35-55-105 as**

1 follows:

2 **35-55-105. Posting licenses - required notices.** (1) A certified
3 copy of an issued license may be procured by the holder of the original
4 LICENSE upon payment of a fee of one dollar. ~~therefor, and~~ THE LICENSE
5 HOLDER SHALL POST the original or certified copy of ~~said~~ THE license ~~shall~~
6 ~~be posted~~ during sale periods in a conspicuous place on the premises
7 where the public livestock market is conducted.

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

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

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

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

19 WARNING:

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

24 **SECTION 3. Act subject to petition - effective date -**
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
26 the expiration of the ninety-day period after final adjournment of the
27 general assembly; except that, if a referendum petition is filed pursuant

1 to section 1 (3) of article V of the state constitution against this act or an
2 item, section, or part of this act within such period, then the act, item,
3 section, or part will not take effect unless approved by the people at the
4 general election to be held in November 2024 and, in such case, will take
5 effect on the date of the official declaration of the vote thereon by the
6 governor.

7 (2) This act applies to acts committed on or after the applicable
8 effective date of this act.