

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

REVISED

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

LLS NO. 23-0326.01 Jery Payne x2157

SENATE BILL 23-152

SENATE SPONSORSHIP

Roberts and Pelton R., Pelton B., Priola, Simpson, Ginal, Kolker, Marchman, Will

HOUSE SPONSORSHIP

Holtorf and Young,

Senate Committees

Agriculture & Natural Resources
Appropriations

House Committees

Agriculture, Water & Natural Resources
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF THE**
102 **CUSTOM PROCESSING OF MEAT ANIMALS, AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE**
104 **2022 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES.**

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/>.)

Sunset Process - Senate Agriculture & Natural Resources Committee. The bill implements the recommendations of the department

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.

HOUSE
2nd Reading Unamended
April 14, 2023

SENATE
3rd Reading Unamended
March 6, 2023

SENATE
2nd Reading Unamended
March 3, 2023

of regulatory agencies, as contained in the department's 2022 sunset review of the "Custom Processing of Meat Animals Act" (act), by:

- Continuing the act for 9 years, to September 2032 (**sections 1 and 2**);
- Repealing obsolete provisions that concern the use of a stakeholder process to develop poultry labeling requirements (**section 3**);
- Consolidating statutory provisions imposing civil penalties for a violation into one provision (**section 4**);
- Standardizing criminal penalties by reducing the penalty for a violation of the act or a rule promulgated under the act from a class 2 misdemeanor with a fine of \$750 and up to 364 days imprisonment to a petty offense, which is up to a \$300 fine or 10 days in jail (**section 5**); and
- Directing that civil penalties be credited to the general fund (**section 6**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (24)(a)(VI); and **add** (33)(a)(IV) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (24) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2023:

8 ~~(VI) The regulation of the custom processing of meat animals by~~
9 ~~the department of agriculture in accordance with article 33 of title 35;~~

10 (33) (a) The following agencies, functions, or both, are scheduled
11 for repeal on September 1, 2032:

12 (IV) THE REGULATION OF THE CUSTOM PROCESSING OF MEAT
13 ANIMALS BY THE DEPARTMENT OF AGRICULTURE IN ACCORDANCE WITH
14 ARTICLE 33 OF TITLE 35.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 35-33-407 as
16 follows:

1 **35-33-407. Repeal of article.** This article 33 is repealed, effective
2 ~~September 1, 2023~~ SEPTEMBER 1, 2032. Before its repeal, the licensing
3 functions of the department are scheduled for review in accordance with
4 section 24-34-104.

5 **SECTION 3.** In Colorado Revised Statutes, 35-33-301, **amend**
6 (3)(a); and **repeal** (3)(c), (3)(d), and (3)(e) as follows:

7 **35-33-301. Sale of poultry - labeling - rules.** (3) (a) The
8 commissioner ~~or his or her designee shall~~ MAY convene, AS NEEDED, a
9 stakeholder group, including representatives from the Colorado
10 department of public health and environment, retail food establishments,
11 liability insurance companies, poultry farmers, poultry suppliers,
12 processors operating under this ~~article~~ ARTICLE 33, and any other
13 interested party.

14 (c) ~~The department shall convene the first meeting with the~~
15 ~~stakeholders no later than July 1, 2016, and as needed thereafter.~~

16 (d) ~~The department shall meet with the stakeholders to develop a~~
17 ~~regulatory framework for the processing of poultry that is sold to retail~~
18 ~~food establishments, as defined in section 25-4-1602 (14), C.R.S.~~

19 (e) ~~On or before November 30, 2016, the commissioner or his or~~
20 ~~her designee shall prepare a report of the findings and conclusions of the~~
21 ~~study and shall present the report to all stakeholders and others upon~~
22 ~~request.~~

23 **SECTION 4.** In Colorado Revised Statutes, 35-33-405, **amend**
24 (2) and (6); and **repeal** (1) as follows:

25 **35-33-405. Violations - civil penalties - disposition.** (1) ~~In~~
26 ~~addition to the criminal penalty prescribed in section 35-33-406, any~~
27 ~~person who violates this article or any rule promulgated under this article~~

1 ~~shall also be subject to a civil penalty of not more than seven hundred~~
2 ~~fifty dollars per violation for each day of violation.~~

3 (2) IN ADDITION TO THE CRIMINAL PENALTY PRESCRIBED IN
4 SECTION 35-33-406, any person who violates this ~~article~~ ARTICLE 33 or
5 any rule promulgated under this ~~article~~ ARTICLE 33 is subject to a civil
6 penalty, as determined by the commissioner or a court of competent
7 jurisdiction. The maximum penalty shall not exceed seven hundred fifty
8 dollars per violation; except that ~~such~~ THE penalty may be doubled if it is
9 determined, after notice and an opportunity for hearing, that the person
10 has violated the provision or rule for the second OR SUBSEQUENT time.
11 Each day the violation occurs ~~shall constitute~~ CONSTITUTES a separate
12 violation.

13 (6) Any penalty collected under this section ~~shall be transmitted~~
14 ~~to the state treasurer, who shall credit the same to the inspection and~~
15 ~~consumer services cash fund created in section 35-1-106.5~~ IS CREDITED
16 TO THE GENERAL FUND IN ACCORDANCE WITH SECTION 24-75-201.

17 **SECTION 5.** In Colorado Revised Statutes, **amend** 35-33-406 as
18 follows:

19 **35-33-406. Violations - criminal penalty.** Any person who
20 violates this ~~article~~ ARTICLE 33 or any rule promulgated under this ~~article~~
21 ARTICLE 33 commits a ~~class 2 misdemeanor~~ PETTY OFFENSE and shall be
22 punished as provided in section ~~18-1.3-501~~, C.R.S. 18-1.3-503.

23 **SECTION 6. Act subject to petition - effective date -**
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
25 the expiration of the ninety-day period after final adjournment of the
26 general assembly; except that, if a referendum petition is filed pursuant
27 to section 1 (3) of article V of the state constitution against this act or an

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

6 (2) Sections 4 and 5 of this act apply to offenses committed on or
7 after the applicable effective date of this act.