

CHAPTER 222

AGRICULTURE

HOUSE BILL 23-1264

BY REPRESENTATIVE(S) McCormick and Catlin, Amabile, Bockenfeld, Boesenecker, Brown, Daugherty, Dickson, Duran, Gonzales-Gutierrez, Hamrick, Jodeh, Joseph, Lieder, Lindsay, Lukens, Martinez, McLachlan, Ricks, Sharbini, Snyder, Story, Titone, Valdez, Velasco, Woodrow, McCluskie, Bacon, Bird, deGruy Kennedy, English, Hartsook, Lynch, Mabrey, Soper, Taggart, Weinberg, Willford;
also SENATOR(S) Pelton R. and Marchman.

AN ACT**CONCERNING THE AUTHORITY OF THE COMMISSIONER OF AGRICULTURE TO ACT IN INSTANCES INVOLVING THE HEALTH OF LIVESTOCK.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 35-50-107 as follows:

35-50-107. Disease detection and prevention. Whenever the commissioner reasonably suspects that livestock are in or from an area of concentration or point of distribution where there is a potential for the spread of disease or that the livestock may have been exposed to or are suffering from an infectious or contagious disease, the commissioner may, as a sanitary measure, conduct surveillance or otherwise inspect the suspected livestock. ~~under such rules as the commissioner may adopt.~~

SECTION 2. In Colorado Revised Statutes, 35-50-109, **amend** (1), (2), and (5) as follows:

35-50-109. Inspection and testing. (1) Whenever it becomes known to the commissioner that an infectious or contagious disease exists among livestock of the state, the commissioner may inspect all livestock in the state. ~~under such rules as the commissioner may adopt.~~

(2) Whenever it becomes known to the commissioner that an infectious or contagious disease exists among livestock of the state, the commissioner may

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

compel the testing of all livestock in the state. ~~under such rules as the commissioner may adopt.~~

(5) Whenever any livestock are tested, the livestock shall be individually identified, as specified by the commissioner. ~~in such rules as the commissioner may adopt.~~ Official identification shall not be removed from such livestock or altered in any fashion.

SECTION 3. In Colorado Revised Statutes, **add** 35-50-109.5 as follows:

35-50-109.5. Investigations - access - administrative subpoena. (1) THE COMMISSIONER MAY INVESTIGATE AS NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE 50.

(2) (a) AT ANY REASONABLE TIME DURING REGULAR BUSINESS HOURS, UPON CONSENT OR UPON OBTAINING AN ADMINISTRATIVE SEARCH WARRANT, THE COMMISSIONER SHALL HAVE ACCESS TO ALL BUILDINGS, YARDS, PENS, PASTURES, AND OTHER AREAS IN WHICH ANY ANIMALS ARE KEPT, HANDLED, OR TRANSPORTED FOR THE PURPOSE OF CARRYING OUT THIS ARTICLE 50 OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE 50.

(b) (I) THE COMMISSIONER IS AUTHORIZED TO:

(A) ADMINISTER OATHS AND TAKE STATEMENTS;

(B) ISSUE ADMINISTRATIVE SUBPOENAS REQUIRING THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL BOOKS, MEMORANDA, PAPERS, AND OTHER DOCUMENTS, ARTICLES, OR INSTRUMENTS; AND

(C) COMPEL THE DISCLOSURE BY WITNESSES OF ALL FACTS KNOWN TO THEM THAT ARE RELEVANT TO THE MATTERS UNDER INVESTIGATION.

(II) UPON THE FAILURE OR REFUSAL OF ANY WITNESS TO OBEY ANY SUBPOENA, THE COMMISSIONER MAY PETITION THE DISTRICT COURT TO COMPEL, AND, UPON A PROPER SHOWING, THE COURT MAY ENTER AN ORDER COMPELLING, THE WITNESS TO APPEAR AND TESTIFY OR TO PRODUCE DOCUMENTARY EVIDENCE. FAILURE TO OBEY SUCH AN ORDER OF THE COURT IS PUNISHABLE AS A CONTEMPT OF COURT.

(3) COMPLAINTS OF RECORD MADE TO THE COMMISSIONER AND THE RESULTS OF THE COMMISSIONER'S INVESTIGATIONS MAY, IN THE DISCRETION OF THE COMMISSIONER, BE CLOSED TO PUBLIC INSPECTION DURING THE INVESTIGATORY PERIOD, EXCEPT AS PROVIDED BY COURT ORDER.

SECTION 4. In Colorado Revised Statutes, **amend** 35-50-110 as follows:

35-50-110. State livestock disease diagnostic laboratories. ~~The rocky mountain regional~~ animal health laboratory IN THE DEPARTMENT and the Colorado state university veterinary diagnostic laboratories, collectively known as the state livestock disease diagnostic laboratories, shall function to provide disease testing to support the department's livestock disease programs. The laboratories shall be

scaled to provide testing of such volume as to meet the potential disease control, protection, and surveillance needs of the livestock industry of the state.

SECTION 5. In Colorado Revised Statutes, 35-50-111, **amend** (3) as follows:

35-50-111. Quarantine. (3) Once testing has confirmed the presence of an infectious or contagious disease, the commissioner may quarantine any specific livestock, premises, county, district, or section of the state for the purpose of preventing the spread of any infectious or contagious disease within the state. ~~under such rules as the commissioner may adopt.~~

SECTION 6. In Colorado Revised Statutes, 35-50-113, **amend** (2) as follows:

35-50-113. Condemnation of livestock. (2) Whenever the ~~state agricultural~~ commission finds it necessary to condemn and destroy any animals or property within this state because of any contagious or infectious disease, ~~such~~ THE animals or property shall not be destroyed until after a fair appraisal has been made of the value of ~~such~~ THE animals or property by ~~three~~ TWO appraisers, one to be appointed by the ~~state agricultural commission,~~ COMMISSIONER AND one by the owner of the property to be destroyed. ~~and the third to be selected by these two. Such~~ THE appraisers shall EACH make a report to the commission under oath as to their ~~appraisal~~ APPRAISALS and the commission shall forward such ~~appraisal~~ APPRAISALS to the governor with such recommendation as to the proportion of such appraisement to be considered a just bill against the state of Colorado as the commission may think right. WITHIN NINETY DAYS AFTER RECEIVING THE APPRAISALS AND RECOMMENDATION, THE GOVERNOR SHALL DETERMINE THE APPROPRIATE APPRAISEMENT. IF THE GOVERNOR FAILS TO MAKE A DETERMINATION WITHIN NINETY DAYS AFTER RECEIVING THE APPRAISALS AND RECOMMENDATION, THE COMMISSION'S RECOMMENDED APPRAISAL WILL BECOME THE DETERMINED APPRAISAL.

SECTION 7. In Colorado Revised Statutes, 35-50-116, **amend** (1) introductory portion and (1)(m) as follows:

35-50-116. Unlawful acts. (1) Unless otherwise authorized by law, it is unlawful and a violation of this ~~article~~ ARTICLE 50 for any person:

(m) To alter or falsify any health certificate issued ~~pursuant to section 35-50-112~~ FOR THE IMPORT OR EXPORT OF ANIMALS INTO OR OUT OF THE STATE.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 18, 2023