

CHAPTER 10

AGRICULTURE

HOUSE BILL 95-1005

BY REPRESENTATIVES George, Agler, and Knox;
also SENATORS Schroeder, Martinez, and Mutzebaugh.

AN ACT

CONCERNING THE LICENSING FUNCTION OF THE DEPARTMENT OF AGRICULTURE UNDER THE
"SLAUGHTER, PROCESSING, AND SALE OF MEAT ANIMALS ACT".

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

SECTION 1. 35-33-103 (18), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-33-103. Definitions. As used in this article, unless the context otherwise requires:

(18) "Locker plant" means a location or establishment in which space in individual lockers is rented for the storage of FROZEN food. ~~at or below a temperature of forty degrees Fahrenheit.~~

SECTION 2. 35-33-104 (1) and (7), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

35-33-104. Department of agriculture - powers and duties. (1) The department is hereby authorized to formulate reasonable rules ~~regulations~~, and standards of construction, operation, and sanitation for all meat processing facilities and shall establish ~~regulations~~ RULES and standards pertaining to containers, packaging materials, mobile slaughter units, slaughter rooms, processing rooms, chill rooms, storage and locker rooms, sharp freezing facilities, and premises of meat processing facilities, with respect to the service of slaughtering, cutting, preparing, wrapping, and packaging meat and meat products necessary for the proper

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

preservation of food, AND SHALL ESTABLISH RULES AND STANDARDS PERTAINING TO THE SALE OF MEAT OR MEAT PRODUCTS AND FOR FOOD PLAN OPERATORS to the end of protecting the public health and protecting the public from deception, fraud, or unethical sales practices.

~~(7) The licensing functions of the department as set forth in this article are terminated on July 1, 1995. Prior to such termination, the licensing functions shall be reviewed as provided in section 24-34-104, C.R.S.~~

SECTION 3. 35-33-107 (3) and (5), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

35-33-107. Exemptions. (3) Any person who holds an establishment number issued by the United States department of agriculture for purposes of inspection and does not sell meat or meat products at retail or engage in the custom processing of meat animals shall be exempt from the requirements of this article; EXCEPT THAT ANY SUCH PERSON SHALL BE SUBJECT TO THE REQUIREMENTS OF SECTION 35-33-204.

~~(5) This section is repealed, effective July 1, 1995.~~

SECTION 4. 35-33-201 (7), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-33-201. Processing facilities - operation. (7) All poultry and rabbits shall be chilled immediately after processing so that the internal temperature is reduced to ~~forty degrees Fahrenheit or less~~ A TEMPERATURE ESTABLISHED BY THE DEPARTMENT BY RULE AND SUFFICIENT TO PROTECT THE PUBLIC HEALTH.

SECTION 5. 35-33-204, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-33-204. Sale of adulterated or diseased meat. (1) Notwithstanding any other provision of this article, it is unlawful for any person to receive for the purpose of slaughter, slaughter, sell, expose for sale, can or pack for the purposes of transportation or sale, or give away for use as human food, any meat which ~~he~~ SUCH PERSON knows or has reason to know is:

(a) ADULTERATED, AS DEFINED IN SECTION 25-5-410, C.R.S.; OR

(b) Diseased or came from the carcass of an animal that died from disease or exposure or was not slaughtered for the purpose of human consumption.

(2) (a) ANY PERSON WHO VIOLATES PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106, C.R.S.

(b) Any person who violates PARAGRAPH (b) OF SUBSECTION (1) OF this section commits a class 5 felony and shall be punished as provided in section 18-1-105, C.R.S.

SECTION 6. 35-33-205, Colorado Revised Statutes, 1984 Repl. Vol., as

amended, is repealed as follows:

35-33-205. Repeal of part. ~~This part 2 is repealed, effective July 1, 1995. Prior to such repeal, the licensing functions of the department shall be reviewed as provided for in section 24-34-104, C.R.S.~~

SECTION 7. 35-33-407, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-33-407. Repeal of article. This ~~part 4~~ ARTICLE is repealed, effective ~~July 1, 1995~~ JULY 1, 2010. Prior to such repeal, the licensing functions of the department shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 8. 24-34-104 (24.1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (24.1) The following functions of the specified agencies shall terminate on July 1, 1995:

(c) ~~The issuance of licenses relating to slaughter, processing, and sale of meat through the commissioner of agriculture and the department of agriculture in accordance with article 33 of title 35, C.R.S.;~~

SECTION 9. 24-34-104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (41) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE JULY 1, 2010:

(a) THE FOLLOWING FUNCTION OF THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE:

(I) THE ISSUANCE OF LICENSES RELATING TO SLAUGHTER, PROCESSING, AND SALE OF MEAT IN ACCORDANCE WITH ARTICLE 33 OF TITLE 35, C.R.S.

SECTION 10. Effective date - applicability. This act shall take effect July 1, 1995, and shall apply to acts occurring on or after said date.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 17, 1995