

CHAPTER 233

CRIMINAL LAW AND PROCEDURE

SENATE BILL 95-230

BY SENATORS R. Powers, Norton, Ament, Wattenberg, Johnson, Alexander, and Dennis;
also REPRESENTATIVES Owen, Acquafresca, Armstrong, Chlouber, Entz, Epps, Moellenberg, Prinzler, Schwarz, and Taylor.

AN ACT**CONCERNING THE UNLAWFUL ALTERATION OF LIVESTOCK BY TAMPERING OR SABOTAGE.**

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

SECTION 1. Part 2 of article 9 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

18-9-207. Tampering or drugging of livestock. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EXHIBITION" MEANS A SHOW OR SALE OF LIVESTOCK AT A FAIR OR ELSEWHERE IN THIS STATE THAT IS SPONSORED BY OR UNDER THE AUTHORITY OF THE STATE OR ANY UNIT OF LOCAL GOVERNMENT OR ANY AGRICULTURAL, HORTICULTURAL, OR LIVESTOCK SOCIETY, ASSOCIATION, OR CORPORATION.

(b) "LIVESTOCK" MEANS ANY DOMESTIC ANIMAL GENERALLY USED FOR FOOD OR IN THE PRODUCTION OF FOOD, INCLUDING, BUT NOT LIMITED TO, CATTLE, SHEEP, GOATS, POULTRY, SWINE, OR LLAMAS.

(c) "SABOTAGE" MEANS INTENTIONALLY TAMPERING WITH AN ANIMAL BELONGING TO OR OWNED BY ANOTHER PERSON THAT HAS BEEN REGISTERED, ENTERED, OR EXHIBITED IN ANY EXHIBITION OR RAISED FOR THE APPARENT PURPOSE OF BEING ENTERED IN AN EXHIBITION.

(d) (I) "TAMPER" MEANS ANY OF THE FOLLOWING:

(A) TREATMENT OF LIVESTOCK IN SUCH A MANNER THAT FOOD DERIVED FROM THE LIVESTOCK WOULD BE CONSIDERED ADULTERATED UNDER THE "COLORADO FOOD

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

AND DRUG ACT", PART 4 OF ARTICLE 5 OF TITLE 25, C.R.S.;

(B) THE INJECTION, USE, OR ADMINISTRATION OF ANY DRUG THAT IS PROHIBITED BY ANY FEDERAL, STATE, OR LOCAL LAW OR ANY DRUG THAT IS USED IN A MANNER PROHIBITED BY FEDERAL LAW OR THE LAW OF THIS STATE OR ANY LOCALITY THEREOF;

(C) THE INJECTION OR OTHER INTERNAL OR EXTERNAL ADMINISTRATION OF ANY PRODUCT OR MATERIAL, WHETHER GAS, SOLID, OR LIQUID, TO AN ANIMAL FOR THE PURPOSES OF DECEPTION, INCLUDING CONCEALING, ENHANCING, OR TRANSFORMING THE TRUE CONFORMATION, CONFIGURATION, COLOR, BREED, CONDITION, OR AGE OF THE ANIMAL OR MAKING THE ANIMAL APPEAR MORE SOUND THAN THE ANIMAL WOULD APPEAR OTHERWISE;

(D) THE USE OR ADMINISTRATION FOR COSMETIC PURPOSES OF STEROIDS, GROWTH STIMULANTS, OR INTERNAL ARTIFICIAL FILLING, INCLUDING PARAFFIN, SILICONE INJECTION, OR ANY OTHER SUBSTANCE;

(E) THE USE OR APPLICATION OF ANY DRUG OR FEED ADDITIVE AFFECTING THE CENTRAL NERVOUS SYSTEM OF THE ANIMAL;

(F) THE USE OR ADMINISTRATION OF DIURETICS FOR COSMETIC PURPOSES;

(G) THE MANIPULATION OR REMOVAL OF TISSUE, BY SURGERY OR OTHERWISE, SO AS TO CHANGE, TRANSFORM, OR ENHANCE THE TRUE CONFORMATION OR CONFIGURATION OF THE ANIMAL;

(H) SUBJECTING THE ANIMAL TO INHUMANE CONDITIONS OR PROCEDURES FOR THE PURPOSE OF CONCEALING, ENHANCING, OR TRANSFORMING THE TRUE CONFORMATION, CONFIGURATION, CONDITION, OR AGE OF THE ANIMAL OR MAKING THE ANIMAL APPEAR MORE SOUND THAN THE ANIMAL WOULD APPEAR OTHERWISE;

(I) ATTACHING TO THE ANIMAL'S HIDE FOREIGN OBJECTS, INCLUDING HAIR OR HAIR SUBSTITUTES, CLOTH, AND FIBERS, FOR THE PURPOSE OF DECEPTION, INCLUDING CONCEALING, ENHANCING, OR TRANSFORMING THE TRUE CONFORMATION, CONFIGURATION, COLOR, BREED, CONDITION, OR AGE OF THE ANIMAL OR MAKING THE ANIMAL APPEAR MORE SOUND THAN THE ANIMAL WOULD APPEAR OTHERWISE;

(J) SUBSTITUTING A DIFFERENT ANIMAL FOR THE ANIMAL REGISTERED OR ENTERED IN THE EXHIBITION WITHOUT THE PERMISSION OF A RESPONSIBLE OFFICIAL OF THE EXHIBITION.

(II) "TAMPER" DOES NOT INCLUDE ANY ACTION TAKEN OR ACTIVITY PERFORMED OR ADMINISTERED BY A LICENSED VETERINARIAN OR IN ACCORDANCE WITH INSTRUCTIONS OF A LICENSED VETERINARIAN IF THE ACTION OR ACTIVITY WAS UNDERTAKEN FOR ACCEPTED MEDICAL PURPOSES DURING THE COURSE OF A VALID VETERINARIAN-CLIENT-PATIENT RELATIONSHIP OR ANY ACTION TAKEN AS PART OF ACCEPTED GROOMING, RANCHING, COMMERCIAL, OR MEDICAL PRACTICES. "TAMPERING" SHALL NOT BE CONSTRUED TO INCLUDE NORMAL RANCHING PRACTICES.

(2) (a) No person shall commit any act in this state that would constitute tampering with or sabotaging any livestock that has been

REGISTERED, ENTERED, OR EXHIBITED IN ANY EXHIBITION IN THIS STATE.

(b) NO PERSON SHALL ADMINISTER, DISPENSE, DISTRIBUTE, MANUFACTURE, POSSESS, SELL, OR USE ANY DRUG TO OR FOR LIVESTOCK UNLESS SUCH DRUG IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION OR THE UNITED STATES DEPARTMENT OF AGRICULTURE; EXCEPT THAT, IF EITHER AGENCY HAS APPROVED AN APPLICATION SUBMITTED FOR INVESTIGATIONAL USE IN ACCORDANCE WITH THE FEDERAL "FOOD, DRUG, AND COSMETIC ACT", THE DRUG MAY BE USED ONLY FOR THE APPROVED INVESTIGATIONAL USE.

(c) NO PERSON SHALL ADMINISTER, DISTRIBUTE, POSSESS, SELL, OR USE ANY DANGEROUS DRUG TO OR FOR LIVESTOCK UNLESS THE DRUG IS ACCOMPANIED BY A PRESCRIPTION ISSUED BY A LICENSED VETERINARIAN ENTITLED TO PRACTICE IN THIS STATE.

(3) ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR. HOWEVER, IN LIEU OF THE FINE PROVIDED IN SECTION 18-1-106, THE COURT MAY IMPOSE A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS OR MORE THAN ONE HUNDRED THOUSAND DOLLARS.

(4) THE NAME AND PHOTOGRAPH OF ANY PERSON CONVICTED OF VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE MADE AVAILABLE FOR PUBLICATION IN NEWSPAPERS OF GENERAL CIRCULATION AND TRADE JOURNALS.

SECTION 2. Effective date - applicability. This act shall take effect upon passage, and shall apply to acts committed on or after said date.

SECTION 3. 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: May 31, 1995