

CHAPTER 89

**AGRICULTURE**

SENATE BILL 09-151

BY SENATOR(S) Isgar, Hodge, Lundberg;  
also REPRESENTATIVE(S) Curry, Baumgardner, King S., Looper, Roberts, Sonnenberg, Vigil.

**AN ACT**

**CONCERNING THE REGULATION OF SLAUGHTERERS OF LIVESTOCK THROUGH THE DEPARTMENT OF AGRICULTURE, AND, IN CONNECTION THEREWITH, ALLOWING SUCH FUNCTION TO EXPIRE ON SCHEDULE AND REASSIGNING CERTAIN REGULATORY FUNCTIONS TO THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS.**

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

**SECTION 1. Repeal.** 24-34-104 (40) (k), Colorado Revised Statutes, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (40) The following agencies, functions, or both, shall terminate on July 1, 2009:

~~(k) The licensing of slaughterers of livestock through the department of agriculture in accordance with article 11 of title 12, C.R.S.;~~

**SECTION 2.** Article 43 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART, CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

PART 2  
BRAND INSPECTION

**35-43-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS, CREATED IN SECTION 35-41-101.

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

(2) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF AGRICULTURE, CREATED IN SECTION 24-1-123, C.R.S.

(3) "LIVESTOCK" MEANS ALL CATTLE, CALVES, HORSES, MULES, AND DONKEYS.

**35-43-202. Brand inspections - custom processing houses - packing plants - feedlots - acceptable forms of evidence - rules.** (1) THE BOARD MAY, DURING REGULAR BUSINESS HOURS, INSPECT THE RECORDS, BRANDS, BILLS OF SALE, HIDES, HORNS, AND OTHER ITEMS RELATED TO PROVING OWNERSHIP OF OR ASCERTAINING THE IDENTITY OF SLAUGHTERED LIVESTOCK AT ANY CUSTOM PROCESSING HOUSE OR PACKING PLANT LICENSED BY THE DEPARTMENT OR BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

(2) PURSUANT TO ITS AUTHORITY UNDER SECTION 35-41-101 (3), THE BOARD MAY ADOPT RULES IN FURTHERANCE OF THIS PART 2, INCLUDING RULES GOVERNING RECORD KEEPING, CONTACT INFORMATION, THE CONTENTS OF BILLS OF SALE AND OTHER RECORDS OF TRANSFERS OF LIVESTOCK OR CARCASSES, THE MIXING OF INSPECTED AND UNINSPECTED LIVESTOCK, HIDE RETENTION, HIDE EXHIBITION, AND BRAND INSPECTION.

(3) NO PERSON SHALL SLAUGHTER ANY LIVESTOCK PURCHASED IN COLORADO THAT HAVE NOT BEEN INSPECTED FOR BRANDS BY AN AUTHORIZED COLORADO BRAND INSPECTOR IMMEDIATELY PRIOR TO SLAUGHTER.

**35-43-203. Requirements for slaughterer business.** (1) EVERY PERSON CARRYING ON THE TRADE OR BUSINESS OF A SLAUGHTERER OF LIVESTOCK IN THIS STATE:

(a) SHALL MAINTAIN AN ESTABLISHED PLACE OF BUSINESS;

(b) SHALL NOT SLAUGHTER LIVESTOCK ON THE OPEN RANGE;

(c) SHALL REQUIRE FROM ALL SELLERS OF LIVESTOCK A BILL OF SALE THAT GIVES A COMPLETE DESCRIPTION OF EACH ANIMAL SO SOLD AND PURCHASED INCLUDING MARKS, BRANDS, AGE, WEIGHT, NAME OF PERSON FROM WHOM IT WAS PURCHASED OR OTHERWISE ACQUIRED, DATE, AND PLACE OF PURCHASE OR ACQUISITION;

(d) SHALL KEEP A TRUE RECORD OF ALL LIVESTOCK PURCHASED OR SLAUGHTERED, AND OF ANY CARCASS OR PART OF A CARCASS PURCHASED, IN ONE OR MORE SPECIAL BOOKS KEPT FOR SUCH PURPOSES. SUCH RECORDS SHALL INCLUDE A COMPLETE DESCRIPTION OF EACH SUCH ANIMAL OR CARCASS, INCLUDING THE APPROXIMATE AGE AND WEIGHT, BREED AND COLOR, FIRE BRANDS, EARMARKS, AND ANY OTHER IDENTIFYING CHARACTERISTICS AND THE DATE OF PURCHASE AND FROM WHOM SUCH ANIMAL, CARCASS, OR PART OF CARCASS WAS PURCHASED.

(e) SHALL KEEP THE HIDE AND HORNS OF EACH ANIMAL SLAUGHTERED FOR INSPECTION FOR A PERIOD OF THIRTY DAYS AFTER IT IS SLAUGHTERED EXCEPT WHEN WRITTEN PERMISSION FOR SALE OR DESTRUCTION OF THE SAME IS GIVEN BY A REGULAR OR SPECIAL BRAND INSPECTOR PRIOR TO EXPIRATION OF SAID PERIOD. A CERTIFIED COPY OF THE BILL OF SALE SHALL ACCOMPANY THE HIDE WHEN IT IS

OFFERED FOR SALE.

(f) SHALL REQUIRE ANY PERSON FROM WHOM HE OR SHE PURCHASES THE CARCASS OR ANY PART THEREOF, NOT INSPECTED BY A STATE BRAND INSPECTOR IMMEDIATELY PRIOR TO SLAUGHTER, TO EXHIBIT THE HIDE AS PROVIDED IN SECTION 35-43-207;

(g) SHALL NOT RECEIVE ANY CARCASS OR PART OF A CARCASS FOR STORAGE UNLESS EACH HIDE HAS BEEN INSPECTED AND ALL MEAT STAMPED, IF REQUIRED, BY THE BRAND COMMISSIONER. THIS PARAGRAPH (g) SHALL NOT APPLY TO ANY PERSON WHO SLAUGHTERS LIVESTOCK THAT ARE OFFICIALLY INSPECTED BY THE STATE BRAND INSPECTOR IMMEDIATELY PRIOR TO SLAUGHTER.

(h) SHALL NOT MIX ANY CATTLE THAT ARE UNINSPECTED FOR BRANDS BY AN AUTHORIZED COLORADO BRAND INSPECTOR WITH ANY LIVESTOCK THAT HAVE BEEN INSPECTED BY A COLORADO BRAND INSPECTOR JUST PRIOR TO SLAUGHTER.

**35-43-204. [Formerly 12-11-101 (4)] Investigations.** ~~The state board of stock inspectors shall have the authority to~~ MAY investigate possible violations of ~~any provision of this article~~ PART 2 on the basis of a complaint or when the board has other reasonable grounds to believe that any person has violated any such provision.

**35-43-205. [Formerly 12-11-101 (5)] Exemption - limitation.** Every person carrying on the trade or business of a slaughterer of livestock in this state who is exempt from this law as provided in paragraph (h) of subsection (1) of this section SECTION 35-43-203 (1) (g) shall not slaughter any ~~cattle or horses~~ LIVESTOCK purchased in Colorado that have not been inspected for brands by an authorized Colorado brand inspector immediately prior to slaughter.

**35-43-206. [Formerly 12-11-103] Records - hides - open to public view.** The record provided for in ~~section 12-11-101~~ SECTION 35-43-203 (1) (d) and also the hide shall be open to the inspection of all persons for a period of thirty days, and it is unlawful for any slaughterer to refuse to permit such inspection or examination.

**35-43-207. [Formerly 12-11-104] Sales by persons other than slaughterers - requirements.** It is unlawful for any person ~~company, or corporation~~ to sell or offer for sale or to have in his possession POSSESS, except as a slaughterer who has filed evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or an irrevocable letter of credit meeting the requirements of section 11-35-101.5, C.R.S., or a bond and is licensed as provided by law and who has a permanent place of business, AS SPECIFICALLY PROVIDED IN THIS ARTICLE OR IN ARTICLE 33 OF THIS TITLE, a carcass of ~~beef or veal~~ LIVESTOCK or any portion of such carcass without first exhibiting the hide intact and exposing the brand upon the hide, if any, to the purchaser. It is the duty of any such person ~~company, or corporation~~ selling or offering for sale any such carcass of ~~beef or veal~~ LIVESTOCK to preserve the hide of the same for a period of thirty days, unless the hide from such a carcass of ~~beef or veal~~ LIVESTOCK has been previously inspected and released by a duly authorized Colorado brand inspector, and to exhibit the same for inspection upon demand of any person.

**35-43-208. [Formerly 12-11-105] Person killing for own use.** Unless the hide

has been previously inspected and released by a duly authorized Colorado brand inspector, it is unlawful for any person to possess or to kill ~~an animal~~ LIVESTOCK to obtain any ~~beef or veal~~ PART OF THE ANIMAL for his OR HER own use without preserving the hide of such animal intact with a complete unskinned tail attached thereto ~~Said preservation shall be~~ for a period of not less than thirty days, during which period ~~said~~ THE hide shall be presented upon the demand of any person.

**35-43-209. [Formerly 12-11-108] When hides admitted as evidence.** If ~~any such~~ A hide is subsequently produced by or on behalf of ~~the~~ A person who has butchered ~~said animal~~ ANY LIVESTOCK ALLEGED TO HAVE BEEN STOLEN and is claimed to be the hide of the animal killed, the ~~same~~ HIDE shall be exhibited as soon as possible for inspection to the sheriff of the county in which the animal was butchered. No such hide shall be admitted in evidence nor shall evidence to identify such hide with the animal alleged to be stolen be received until the prosecution is given such reasonable opportunity as may be fixed by court to examine ~~said~~ THE hide and compare it with the meat.

**35-43-210. [Formerly 12-11-106] Inspection of hide.** The sheriff or deputy sheriff of any county in this state and any regular or special brand inspector appointed by the ~~state board of stock inspection commissioners of the state of Colorado~~ are hereby authorized and empowered to require any person ~~corporation, or company, other than a slaughterer having a permanent place of business who has filed evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or an irrevocable letter of credit meeting the requirements of section 11-35-101.5, C.R.S., or a bond as required by law,~~ who kills for his OR HER own use and consumption any ~~cattle~~ LIVESTOCK to produce for inspection the hide of any such ~~animal which~~ LIVESTOCK THAT has been killed within thirty days unless the ~~same~~ LIVESTOCK has been inspected and tagged prior to such demand for inspection. In the absence of the owner or proper corporate officer, the person in charge of the premises where the meat then is shall produce the hide for inspection upon demand. ~~as aforesaid.~~

**35-43-211. [Formerly 12-11-107] Grounds for search warrant.** If ~~such~~ A person ~~corporation, or company~~ who, within thirty days, has killed any ~~such animal~~ LIVESTOCK or, in ~~his~~ THAT PERSON'S absence, the person in charge of the premises WHERE THE LIVESTOCK WAS KILLED fails or refuses to produce the hide of ~~such animal, such~~ THE LIVESTOCK, ANY sheriff, deputy, or regular brand inspector may seize and take possession of ~~said~~ THE meat OF SUCH LIVESTOCK and hold the ~~same~~ MEAT until ~~such~~ THE hide is produced and, before or after the seizure of ~~such~~ THE meat, may ~~make complaint for~~ SEEK A search warrant for the theft of ~~cattle or horses~~ LIVESTOCK and the meat thereof as the property of an unknown owner. The failure to produce such hide upon demand shall be sufficient grounds upon which to base the affidavit for ~~such~~ THE search warrant, and the procedure on complaint for a search warrant shall be as provided in part 3 of article 3 of title 16, C.R.S.

**35-43-212. [Formerly 12-11-109] Violations - penalties.** (1) Except as otherwise provided in this ~~article~~ PART 2, any person ~~company, or corporation~~ violating ~~any provisions of this article~~ PART 2 commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(2) Except as otherwise provided in this ~~article~~ PART 2, any person ~~company, or~~

~~corporation which~~ THAT violates ~~any provision of this article~~ PART 2 within three years after a previous violation of ~~any provision of this article~~ PART 2 by that same person ~~company, or corporation~~ commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(3) ~~Any person informing the proper authorities in regard to the violation of the provisions of sections 12-11-104 and 12-11-105 is entitled to one-half of the fine imposed when collected.~~ A PERSON WHO UNLAWFULLY BUTCHERS AN ANIMAL BELONGING TO ANOTHER PERSON COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

**35-43-213. [Formerly 12-11-111] Brand inspection - certificate - evidence.**

(1) ~~Any cattle or horses~~ LIVESTOCK purchased for slaughter in Colorado from any source shall be inspected for brands and other identifying marks and a certificate issued by a brand inspector at the point of origin. ~~Otherwise,~~ UNTIL THE TIME OF SUCH INSPECTION AND CERTIFICATION, the ~~packer~~ PERSON purchasing ~~cattle or horses~~ LIVESTOCK shall hold the uninspected ~~cattle or horses~~ LIVESTOCK separately and shall be responsible for the value of the ~~cattle or horses~~ LIVESTOCK and the brand inspection ~~tax~~ FEE until inspected and a certificate issued by a Colorado brand inspector.

(2) The only evidence of inspection at point of origin acceptable under this section shall be either the brand certificate issued and signed by the brand inspector who made the inspection or a current account of sale, showing the brands or other identifying characteristics carried by the ~~cattle or horses~~ LIVESTOCK and issued by a ~~federal packers and stockyards department registered or Colorado licensed market.~~ ~~Cattle or horses~~ CUSTOM MEAT PROCESSOR LICENSED BY THE DEPARTMENT OR A PACKING PLANT LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE. LIVESTOCK purchased by private ~~treaty~~ CONTRACT in states where brand inspection is not maintained shall be accompanied by a bill of sale showing brands and other identifying characteristics signed by the seller or the seller's agent and witnessed by the buyer or the buyer's agent.

(3) Cattle fed by packers, either in their individual feed lots or in commercial feed lots, are subject to ~~the provisions of~~ this article.

~~(4) Repealed.~~

**SECTION 3.** 11-35-101 (1), Colorado Revised Statutes, is amended to read:

**11-35-101. Alternatives to surety bonds permitted - requirements.** (1) The requirement of a surety bond as a condition to licensure or authority to conduct business or perform duties in this state provided in sections 12-5.5-202 (2) (b), 12-6-111, 12-6-112, 12-6-112.2, 12-6-512, 12-6-513, ~~12-11-101 (1) (d), 12-11-104, 12-11-106;~~ 12-14-124 (1), 12-59-115 (1), 12-60-509 (2.5) (b), 12-61-907, 33-4-101 (1), 33-12-104 (1), 35-33-403 (3), 35-55-104 (1), 37-91-107 (2) and (3), 38-29-119 (2), 39-21-105 (4), 39-27-104 (2) (a), (2) (b), (2) (c), (2) (d), (2) (e), (2.1) (a), (2.1) (b), (2.1) (c), (2.5) (a), and (2.5) (b), 39-28-105 (1), 42-6-115 (3), and 42-7-301 (6), C.R.S., may be satisfied by a savings account or deposit in or a certificate of deposit issued by a state or national bank doing business in this state or by a savings account or deposit in or a certificate of deposit issued by a state or federal savings and loan

association doing business in this state. Such savings account, deposit, or certificate of deposit shall be in the amount specified by statute, if any, and shall be assigned to the appropriate state agency for the use of the people of the state of Colorado. The aggregate liability of the bank or savings and loan association shall in no event exceed the amount of the deposit. For the purposes of the sections referred to in this section, "bond" includes the savings account, deposit, or certificate of deposit authorized by this section.

**SECTION 4.** 11-35-101.5 (1), Colorado Revised Statutes, is amended to read:

**11-35-101.5. Irrevocable letter of credit permitted - requirements.**

(1) Where there is the requirement of either an irrevocable letter of credit or a bond as a condition to licensure in sections 12-16-106 (1) and 12-16-218 (1), C.R.S., or where an irrevocable letter of credit is permitted as an alternative to a surety bond, evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, as a condition to licensure or authority to conduct business or perform duties in this state, provided in sections ~~12-11-101 (1) (d), 12-11-104, 12-11-106,~~ 12-16-105 (5), 12-16-106 (1) (a), 12-16-218 (1) (a), 33-4-101 (1), 33-12-104 (1), 37-91-107 (2), and 39-27-104 (2.1) (c), C.R.S., the requirement shall be satisfied by an irrevocable letter of credit issued by a state or national bank or a state or federal savings and loan association doing business in this state. The requirement shall also be satisfied by an irrevocable letter of credit issued by the bank or banks for cooperatives ~~which~~ THAT are organized pursuant to federal statutes and ~~which~~ THAT serve the region in which the state of Colorado is located. Such letter of credit shall be in an amount specified by statute, if any, and shall name the appropriate state agency as beneficiary, in favor of the people of the state of Colorado.

**SECTION 5.** 35-33-201 (1), Colorado Revised Statutes, is amended to read:

**35-33-201. Processing facilities - operation.** (1) The meat processing activities of any facility licensed under this article ~~or under article 11 of title 12, C.R.S.~~, shall be conducted in a safe and sanitary manner.

**SECTION 6.** 35-41-104 (3) (c), Colorado Revised Statutes, is amended to read:

**35-41-104. Board's authority to impose fees and charges - rules.**

(3) Inspection fees as authorized in subsections (1) and (1.5) of this section shall be collected by brand inspectors from the owners or persons in charge of said livestock before issuing any certificate when:

(c) Livestock are consigned for slaughter to a ~~licensed slaughterhouse in accordance with section 12-11-111, C.R.S.~~ CUSTOM MEAT PROCESSOR LICENSED BY THE COLORADO DEPARTMENT OF AGRICULTURE OR A PACKING PLANT LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.

**SECTION 7. Repeal of provisions being relocated in this act.** 12-11-101 (4) and (5), 12-11-103, 12-11-104, 12-11-105, 12-11-106, 12-11-107, 12-11-108, 12-11-109, and 12-11-111, Colorado Revised Statutes, are repealed.

**SECTION 8. Repeal of provisions not being relocated in this act.** 12-11-101

(1), (2), and (3), 12-11-102, 12-11-110, 12-11-112, 12-11-113, and 12-11-114, Colorado Revised Statutes, are repealed.

**SECTION 9. Effective date.** This act shall take effect July 1, 2009.

**SECTION 10. 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: April 2, 2009