

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0805.01 Yelana Love x2295

SENATE BILL 26-123

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SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Velasco,

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Senate Committees

Agriculture & Natural Resources

House Committees

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A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON THE USE OF VENTILATION SHUTDOWN  
102 IN THE DEPOPULATION OF POULTRY.

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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>.)*

Under current law, poultry owners may be required to destroy or depopulate their entire flock of poultry when one of their birds tests positive for a disease. Effective July 1, 2029, the bill prohibits an owner of poultry from using ventilation shutdown and ventilation shutdown plus, which methods kill poultry by gradually inducing fatal hyperthermia or heat stroke, as methods of depopulating their poultry.

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.*

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 35-50-115.5 as  
3 follows:

4           **35-50-115.5. Ventilation shutdown - prohibition - short title -**  
5 **legislative declaration - definitions.**

6           (1) THE SHORT TITLE OF THIS SECTION IS THE "MODERNIZING  
7 DEPOPULATION ACT".

8           (2) THE GENERAL ASSEMBLY:

9           (a) FINDS THAT WHEN AN OWNER OF POULTRY DEPOPULATES THEIR  
10 ENTIRE FLOCK OF POULTRY IN RESPONSE TO A DISEASE, THE OWNER MUST  
11 CARRY OUT THE DEPOPULATION AS HUMANELY AS POSSIBLE; AND

12           (b) OPPOSES THE USE OF VENTILATION SHUTDOWN AND  
13 VENTILATION SHUTDOWN PLUS, BOTH OF WHICH KILL POULTRY BY  
14 GRADUALLY INDUCING FATAL HYPERTHERMIA OR HEAT STROKE, IN FAVOR  
15 OF HIGHER WELFARE DEPOPULATION METHODS.

16           (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
17 REQUIRES:

18           (a) "DEPOPULATION" MEANS THE MASS DESTRUCTION OF POULTRY  
19 FOR DISEASE CONTROL PURPOSES.

20           (b) "POULTRY" MEANS ANY DOMESTICATED BIRD, INCLUDING  
21 CHICKENS, TURKEYS, DUCKS, GEESE, GUINEAS, SQUABS, OR PHEASANTS.

22           (c) "VENTILATION SHUTDOWN" MEANS A METHOD OF  
23 DEPOPULATION THAT INVOLVES SEALING A BUILDING IN WHICH POULTRY  
24 ARE CONFINED, SHUTTING INLETS, AND TURNING OFF FANS OR  
25 VENTILATION SYSTEMS IN ORDER TO RAISE THE TEMPERATURE IN THE  
26 BUILDING AND INDUCE DEATH OF THE POULTRY THROUGH FATAL

1       HYPERTHERMIA OR HEAT STROKE.

2               (d) "VENTILATION SHUTDOWN PLUS" MEANS THE USE OF  
3       VENTILATION SHUTDOWN WITH ADDITIONAL HEAT SOURCES, HUMIDITY, OR  
4       STEAM IN ORDER TO MORE RAPIDLY RAISE THE TEMPERATURE IN THE  
5       BUILDING AND INDUCE DEATH OF POULTRY THROUGH FATAL  
6       HYPERTHERMIA OR HEAT STROKE.

7               (4) IT IS UNLAWFUL FOR:

8               (a) AN OWNER OF POULTRY, DIRECTLY OR INDIRECTLY, TO USE  
9       VENTILATION SHUTDOWN OR VENTILATION SHUTDOWN PLUS ON THE  
10      OWNER'S POULTRY; AND

11              (b) AN AGENT OR REPRESENTATIVE OF THE DEPARTMENT OR  
12      COMMISSION TO ORDER, APPROVE, AUTHORIZE, OR OTHERWISE ASSIST AN  
13      OWNER OF POULTRY TO USE VENTILATION SHUTDOWN OR VENTILATION  
14      SHUTDOWN PLUS ON THE OWNER'S POULTRY.

15              **SECTION 2.** In Colorado Revised Statutes, 35-50-114, **amend**  
16      (4)(j) and (4)(k); and **add** (4)(l) as follows:

17              **35-50-114. Indemnification of livestock owners - diseased**  
18      **livestock indemnity fund - repeal.**

19              (4) No indemnity shall be paid when:

20              (j) The destruction order was not complied with within the  
21      specified time period; ~~or~~

22              (k) The owner attempted to unlawfully or improperly obtain  
23      indemnity funds; OR

24              (l) THE OWNER VIOLATED SECTION 35-50-115.5.

25              **SECTION 3. Act subject to petition - effective date.** This act  
26      takes effect July 1, 2029; except that, if a referendum petition is filed  
27      pursuant to section 1 (3) of article V of the state constitution against this

1 act or an item, section, or part of this act within the ninety-day period  
2 after final adjournment of the general assembly, then the act, item,  
3 section, or part will not take effect unless approved by the people at the  
4 general election to be held in November 2026 and, in such case, will take  
5 effect July 1, 2029, or on the date of the official declaration of the vote  
6 thereon by the governor, whichever is later.