



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-123: PROHIBIT VENTILATION SHUTDOWN FOR POULTRY

Prime Sponsors:

Sen. Cutter
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Fiscal note status: This initial fiscal note reflects the introduced bill.

Summary Information

Overview. The bill prohibits the use of ventilation shutdown methods for the purpose of poultry depopulation.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures
- State Revenue

Appropriations. No appropriation is required.

**Table 1
State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

Beginning July 1, 2029, the bill prohibits the use of ventilation shutdown methods for the purpose of mass culling, or depopulating, a flock of poultry. Additionally, the Colorado Department of Agriculture (CDA) is not permitted to order, approve, or authorize the use of ventilation shutdown on poultry.

Background

Under current law, the State Veterinarian and CDA may issue an order of condemnation to destroy any livestock where there is an outbreak of contagious or infectious disease that may endanger the livestock of the state. In recent years, Colorado has been responding to an outbreak of [Highly Pathogenic Avian Influenza](#) (HPAI), which is an infectious viral disease that can cause large-scale outbreaks in domestic poultry. When HPAI is detected, a quarantine order may be issued, and in some cases, an issue of condemnation is necessary. CDA must approve and sign off on the depopulation method used at HPAI-affected facilities.

Ventilation shutdown depopulation methods include sealing a building where livestock is confined, closing any inlets, and turning off any fans. The body heat from the herd raises the temperature in the building until the animals die from hyperthermia. This can also be done with added external heat sources to more rapidly raise the temperature of the building. Since 2022, two facilities in Colorado have used a ventilation shutdown method to destroy a flock a total of four times.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior Conviction Data and Assumptions

This bill creates a new factual basis for the existing offense of violating a provision of the Livestock Health Act by outlawing the use of ventilation shutdown methods for depopulation of poultry. Individuals in violation of this provision may be subject to civil penalties, or charged with a class 2 misdemeanor. From FY 2022-23 to FY 2024-25, zero offenders have been sentenced and convicted for this offense; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense

under the bill. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

Department of Agriculture

The CDA is currently required to approve and sign off on depopulation methods used at affected or condemned facilities. The bill will not have any impact on workload or expenditures in the department.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute additional offenses, or for county jails to imprison additional individuals under the bill, will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect July 1, 2029, assuming no referendum petition is filed.

State and Local Government Contacts

Agriculture

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).