

CHAPTER 109

HEALTH AND ENVIRONMENT

SENATE BILL 23-240

BY SENATOR(S) Bridges and Kirkmeyer, Zenzinger, Ginal, Jaquez Lewis, Kolker, Pelton B., Priola, Simpson, Will;
also REPRESENTATIVE(S) Bird and Bockenfeld, Sirota, Epps, Snyder.

AN ACT

**CONCERNING FEES A DAIRY PLANT IS REQUIRED TO PAY TO THE DEPARTMENT OF PUBLIC HEALTH
AND ENVIRONMENT.**

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

SECTION 1. In Colorado Revised Statutes, 25-5.5-107, **amend** (2) and (4)(a)(II); and **add** (4)(a)(III) and (4)(a)(IV) as follows:

25-5.5-107. Testing and sampling of dairy products - unlawful acts - licensing - dairy protection cash fund - created. (2) It is unlawful for any person to sample or test milk, cream, or any other dairy product to determine the value of such product when bought and sold or to instruct another person for such purpose without first having a license granted by the department, which license shall be conspicuously displayed in the person's place of business. Licenses shall be granted to those persons who have completed a course in milk and cream testing ~~in~~ **AT** any recognized college or dairy school or to those persons who have passed a satisfactory examination under the direction of the department. ~~Payment of a yearly fee of fifty dollars is required, and the license shall be issued for a period of one year from the July 1 next preceding the actual date of issue; however,~~ The license shall be subject to cancellation by the department at any time if it finds that the person holding the license is incompetent or guilty of violating this part 1.

(4) (a) (II) Except for a transfer or receiving station, which shall be charged the fee set forth in ~~sub-subparagraph (A) of this subparagraph (II)~~ **SUBSECTION (4)(a)(II)(A) OF THIS SECTION**, the fee for a license issued under this subsection (4) shall be determined and paid according to the annual average daily amount of milk received for manufacturing by the dairy plant, as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

| Annual average daily amount of milk received | Fee |
|---|-----------------------------------|
| (A) Under 1,000 pounds | \$—300 \$390 |
| (B) 1,000 to 19,999 pounds | \$—600 \$780 |
| (C) 20,000 to 449,999 pounds | \$1,000 \$1,300 |
| (D) 450,000 or more pounds | \$1,600 \$2,080 |

(III) SUBJECT TO THE LIMITATION IN SUBSECTION (4)(a)(IV) OF THIS SECTION AND IN ADDITION TO THE FEE REQUIRED IN SUBSECTION (4)(a)(II) OF THIS SECTION, A DAIRY PLANT THAT RECEIVES MORE THAN TWENTY THOUSAND POUNDS OF MILK PER DAY SHALL PAY ONE CENT FOR EACH ONE HUNDRED POUNDS OR FRACTION THEREOF OF MILK RECEIVED.

(IV) IF THE TOTAL AMOUNT OF FEES REQUIRED IN SUBSECTIONS (4)(a)(II) AND (4)(a)(III) OF THIS SECTION WOULD REQUIRE A DAIRY PLANT TO PAY MORE THAN ONE HUNDRED FIFTY THOUSAND DOLLARS IN A YEAR, THE DEPARTMENT SHALL REDUCE THE VOLUME OF PRODUCTION FEE IN SUBSECTION (4)(a)(III) OF THIS SECTION UNTIL THE TOTAL AMOUNT THE DAIRY PLANT IS REQUIRED TO PAY UNDER SUBSECTIONS (4)(a)(II) AND (4)(a)(III) OF THIS SECTION IS ONE HUNDRED FIFTY THOUSAND DOLLARS.

SECTION 2. Effective date. This act takes effect July 1, 2023.

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, or safety.

Approved: April 25, 2023