

CHAPTER 273

AGRICULTURE

HOUSE BILL 99-1319

BY REPRESENTATIVES Hoppe, Alexander, Johnson, Webster, Larson, McKay, Smith, Spradley, Taylor, and Young;
also SENATORS Wattenberg, Chlouber, and Musgrave.

AN ACT

CONCERNING THE CONTROL OF LIVESTOCK DESIGNATED DISEASES.

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

SECTION 1. 35-50-108.5, Colorado Revised Statutes, is amended to read:

35-50-108.5. *Brucella ovis.* Any ram found to be positive to the enzyme linked immuno-assay test or any other official test for brucella ovis shall be ~~identified with a hot iron brand on the left jaw. The brand shall be a "Q" not less than two inches in height. In lieu of branding, the ram may be castrated.~~ Reactor rams which have not been castrated shall be sold direct to slaughter, or they may move through a public livestock market on an official shipping permit to go direct to slaughter.

SECTION 2. 35-50-123, Colorado Revised Statutes, is amended to read:

35-50-123. *Handling of condemned animals.* Whenever any animal has been condemned as tuberculous by the state agricultural commission, or by any of its authorized deputies, or by a veterinarian licensed to practice in Colorado, or by a veterinarian of the United States department of agriculture working in cooperation with the state of Colorado, such animal shall be branded by burning a letter "T" not less than two inches in length on the left ~~jaw~~ TAILHEAD OVER THE FOURTH TO THE SEVENTH COCCYGEAL VERTEBRAE of such animal with a hot iron. The animal shall also be tagged with a suitable reactor tag furnished by the state agricultural commission. All such reacting animals shall be reported by the testing veterinarian to the state agricultural commission, accompanied by a description of the animal and tag number, together with the owner's name and address. The state agricultural commission shall keep a record of all such diseased animals until they are destroyed.

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

SECTION 3. 35-50-136 (4), (7), (9), and (10), Colorado Revised Statutes, are amended, and the said 35-50-136 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

35-50-136. Definitions. As used in sections 35-50-135 to 35-50-151, unless the context otherwise requires:

(3.2) "DESIGNATED DISEASE" MEANS AN INFECTIOUS OR CONTAGIOUS ANIMAL DISEASE THAT IS DESIGNATED BY THE COMMISSION AND HAS BEEN DETERMINED BY THE STATE VETERINARIAN TO BE AN ECONOMIC THREAT TO COLORADO'S LIVESTOCK INDUSTRY OR A RISK TO HUMAN HEALTH.

(4) "Livestock" means any cattle, goats, bison, horses, SHEEP, SWINE, or any other animal ~~which~~ THAT may need to be tested for ~~brucellosis~~ A DESIGNATED DISEASE.

(7) ~~"Quarantined feedlot" means a quarantined feedlot as defined in the uniform methods and rules.~~

(9) "Test" or "testing" means or applies to the blood test or any other method approved by the ~~department~~ STATE VETERINARIAN for detecting DESIGNATED DISEASES, INCLUDING brucellosis, in animals.

(10) "Uniform methods and rules" means the standards set forth by the United States department of agriculture ~~on recommendation of the brucellosis committee of the United States animal health association which are applicable to all of the various states for the control and eradication of brucellosis in livestock, in effect July 1, 1981, and as amended from time to time thereafter~~ FOR THE CONTROL OR ERADICATION OF A DESIGNATED DISEASE, INCLUDING BRUCELOSIS.

SECTION 4. 35-50-137, Colorado Revised Statutes, is amended to read:

35-50-137. Continuation of program - cooperative agreements. In an effort to control and eradicate LIVESTOCK DESIGNATED DISEASES, INCLUDING brucellosis, ~~in livestock~~ in the state of Colorado, the department is directed to ~~continue a program for such~~ DEVELOP AND IMPLEMENT PROGRAMS TO DIAGNOSE, control, and ~~eradication~~ ERADICATE SUCH DISEASES throughout the state. ~~and to include in such program the vaccination of all heifer calves in accordance with the uniform methods and rules.~~ The department is authorized to enter into cooperative agreements with the appropriate division of the United States department of agriculture in carrying out ~~the~~ A program of ~~brucellosis~~ DISEASE control and eradication according to ~~the~~ uniform methods and rules.

SECTION 5. 35-50-139, Colorado Revised Statutes, is amended to read:

35-50-139. Testing of livestock. (1) Any owner whose livestock are suspected, after epidemiological investigation, of having A DESIGNATED DISEASE, INCLUDING brucellosis, shall, upon order of the commission through its authorized representative, assemble such livestock and provide the necessary facilities for collection of such samples as may be deemed necessary to conduct tests of such livestock for THE DESIGNATED DISEASE, INCLUDING brucellosis, and shall render such assistance as required.

(2) All ~~blood~~ samples drawn in testing for brucellosis OR ANOTHER DESIGNATED DISEASE shall be forwarded to the state-federal cooperative ~~brucellosis~~ ROCKY MOUNTAIN REGIONAL ANIMAL HEALTH laboratory or any other laboratory approved by the department for testing. Whenever any livestock are tested, the livestock shall be individually identified. Cattle, goats, and bison shall have an official ear tag placed in the right ear unless an official ear tag is already present, in which case the number of such tag shall be recorded; but such identification by tagging shall not be required in the case of registered purebred livestock ~~which~~ THAT are otherwise permanently identified with a LEGIBLE registered individual tattoo or registered individual brand. Swine shall have an official ear tag placed in the right ear unless an official ear tag is already present, in which case the number of such tag shall be recorded. Ear notches or tattoos identifying the swine individually may be used in lieu of such official ear tags. Official ear tags shall not be removed from the ear of such livestock.

SECTION 6. 35-50-140, Colorado Revised Statutes, is amended to read:

35-50-140. Identification and disposal of reactor livestock. (1) All BRUCELLOSIS reactor cattle and bison shall be permanently identified by hot iron branding with the letter "B", measuring at least two inches by two inches, placed on the left ~~jaw~~ TAILHEAD OVER THE FOURTH TO THE SEVENTH COCCYGEAL VERTEBRAE, and an approved reactor tag must be placed in the left ear. Identification of reactor livestock shall be accomplished within fifteen days after the test date. The time may be extended fifteen days for reasons mutually acceptable to the cooperating state and federal officials in charge. All reactor swine and goats shall be identified by having an approved reactor tag placed in the left ear.

(2) All such BRUCELLOSIS reactor livestock shall be removed from the herd where found, quarantined, and held in isolation until shipment for immediate slaughter under a permit from the state veterinarian or ~~his~~ THE VETERINARIAN'S authorized agent. All such livestock shall be condemned and shipped for immediate slaughter within thirty days of being classified as reactors. The time may be extended for reasons mutually acceptable to the state veterinarian and the cooperating federal official in charge.

(3) All other livestock in a herd in which such BRUCELLOSIS reactor livestock are found shall be placed under quarantine and be retested as required by the uniform methods and rules until qualified for release from quarantine; or the exposed cattle may be branded with the letter "S" on the left ~~jaw~~ TAILHEAD OVER THE FOURTH TO THE SEVENTH COCCYGEAL VERTEBRAE and shall go to immediate slaughter on an official shipping permit. ~~or may be branded with the letter "S" on the left jaw and moved to a quarantined feedlot for finish feeding and then for immediate slaughter.~~

SECTION 7. 35-50-140.5 (1), Colorado Revised Statutes, is amended to read:

35-50-140.5. Indemnification for sale of exposed livestock - diseased livestock indemnity fund. (1) The commissioner of agriculture, upon the recommendation of the state veterinarian, may authorize the payment of indemnity to any livestock owner whose herd is voluntarily sold for slaughter because it is exposed to brucellosis or ~~some other infectious or contagious~~ ANOTHER DESIGNATED disease; however, such indemnification, when combined with any other moneys received by the owner for the livestock, shall not exceed ninety percent of the market value for animals of

comparable grade and of the same or similar type. Notwithstanding said provisions, indemnity shall not be paid for brucellosis reactor animals.

SECTION 8. 35-50-144, Colorado Revised Statutes, is amended to read:

35-50-144. Rules and regulations. The commission is authorized to issue such orders and to promulgate such rules and regulations as it may deem proper and necessary for the furtherance and enforcement of the ~~brucellosis~~ DESIGNATED DISEASE control and eradication program conducted under the provisions of sections 35-50-135 to 35-50-145.

SECTION 9. 35-50-145.1 (1), Colorado Revised Statutes, is amended to read:

35-50-145.1. Civil penalties. (1) Any person who violates any provision of this article ~~except section 35-50-110~~; or any rule adopted pursuant to this article ~~except a rule adopted pursuant to section 35-50-110~~; is subject to a civil penalty as determined by a court of competent jurisdiction or by the commission or the commission's designee. The penalty shall not exceed one thousand dollars per violation; except that such penalty may be doubled if it is determined, after notice and an opportunity for hearing, that the person has violated the provision or rule on at least one prior occasion occurring after ~~the effective date of this section~~ MARCH 23, 1995.

SECTION 10. 35-50-146, Colorado Revised Statutes, is amended to read:

35-50-146. Vaccine, diagnostic testing, and service fund - expenditures. The state agricultural commission is authorized to promulgate such rules and regulations as it may deem proper and necessary for the furtherance and enforcement of sections 35-50-135 to 35-50-146, and to establish a fund into which the proceeds from the sale of vaccine and services shall be deposited. The proceeds from this fund are specifically AND CONTINUOUSLY appropriated for purchase of vaccine and such other laboratory incidental expenses, including travel directly incidental to the ~~brucellosis~~ DESIGNATED DISEASE CONTROL AND ERADICATION program, as may be determined by the state agricultural commission.

SECTION 11. 35-50-149, Colorado Revised Statutes, is amended to read:

35-50-149. Technicians to vaccinate. In order to facilitate the implementation of the purposes of sections 35-50-135 to 35-50-151, the state agricultural commission or any agency of the state engaged in administering the ~~brucellosis~~ DESIGNATED DISEASE control AND ERADICATION program shall appoint and supervise, or cause to be appointed and supervised, upon the request of at least fifty-one percent of the cattle owners of any county or area within the county, sufficient lay technicians to do official brucellosis vaccinating in isolated areas or areas remote to regular and reasonable veterinarian services. The service of such lay technicians shall be paid for by the livestock owner. All persons serving as lay technicians by appointment of the commission on July 1, 1981, shall continue serving until terminated for cause by said commission.

SECTION 12. 35-50-150, Colorado Revised Statutes, is amended to read:

35-50-150. Supervision of personnel. The department, in administering the brucellosis DESIGNATED DISEASE control AND ERADICATION program, shall supervise or be responsible for the supervision of all personnel, both lay technicians and veterinarians engaged in any county or area DESIGNATED DISEASE OR brucellosis vaccination or other control program. The service of such lay technicians or veterinarians shall be paid for by the livestock owner unless specifically provided for by local, state, or federal funding.

SECTION 13. 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 29, 1999

Editor's note: This act is not shown in the order that it was signed by the Governor, because it was delivered for printing out of the signing sequence order.