

CHAPTER 132

AGRICULTURE

SENATE BILL 05-024

BY SENATOR(S) Isgar, Entz, Groff, Mitchell, Spence, Tapia, Taylor, Tochtrop, and Wiens;
also REPRESENTATIVE(S) Hoppe, Brophy, Curry, Penry, Stafford, and Stengel.

AN ACT

CONCERNING THE RECODIFICATION OF STATUTES RELATING TO LIVESTOCK HEALTH, AND, IN CONNECTION THEREWITH, MAKING SUBSTANTIVE AMENDMENTS.

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

SECTION 1. Article 50 of title 35, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 50
Livestock Health Act

35-50-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "LIVESTOCK HEALTH ACT".

35-50-102. Legislative declaration. THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE DIAGNOSIS, CONTROL, AND ERADICATION OF LIVESTOCK DISEASES ARE MATTERS OF STATEWIDE CONCERN. LIVESTOCK DISEASE CONTROL IS ESSENTIAL TO THE LIVESTOCK INDUSTRY AND THE HEALTH OF THE ECONOMY OF THE STATE OF COLORADO. THE PROVISIONS OF THIS ARTICLE ARE ENACTED TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE.

35-50-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCREDITED VETERINARIAN" MEANS A VETERINARIAN APPROVED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE IN ACCORDANCE WITH 9 CFR 161, AS MAY BE AMENDED FROM TIME TO TIME.

(2) "COMMISSION" MEANS THE STATE AGRICULTURAL COMMISSION.

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

(3) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

(5) "HOLD" MEANS A TEMPORARY ORDER ISSUED BY THE STATE VETERINARIAN WHEN AN INFECTIOUS OR CONTAGIOUS DISEASE IS SUSPECTED IN LIVESTOCK TO ISOLATE ANY SPECIFIC LIVESTOCK, PREMISES, COUNTY, DISTRICT, OR SECTION OF THE STATE; RESTRICT THE MOVEMENT OF LIVESTOCK; AND SPECIFY SANITARY MEASURES, PENDING COMPLETION OF TESTING.

(6) "INFECTIOUS OR CONTAGIOUS DISEASE" MEANS A REPORTABLE OR EMERGING DISEASE OF LIVESTOCK THAT POSES A SIGNIFICANT RISK TO THE LIVESTOCK INDUSTRY OF THE STATE RESULTING FROM INFECTIOUS AGENTS, SUCH AS VIRUSES, RICKETTSIA, BACTERIA, FUNGI, PROTOZOA, INTERNAL OR EXTERNAL PARASITES, OR PRIONS, OR ANY REPORTABLE OR EMERGING COMMUNICABLE DISEASE THAT IS CAPABLE OF BEING TRANSMITTED FROM ONE ANIMAL TO ANOTHER ANIMAL OR TO A HUMAN, WHETHER COMMUNICATED DIRECTLY OR INDIRECTLY THROUGH AN INTERMEDIATE PLANT OR LIVESTOCK HOST, A VECTOR, OR THE ENVIRONMENT.

(7) "LIVESTOCK" MEANS CATTLE, SHEEP, GOATS, BISON, SWINE, MULES, POULTRY, HORSES, ALTERNATIVE LIVESTOCK AS DEFINED IN SECTION 35-41.5-102 (1), AND ALL OTHER DOMESTICATED ANIMALS RAISED OR KEPT FOR PROFIT.

(8) "NEW OR EMERGING DISEASE" MEANS AN EMERGING LIVESTOCK DISEASE DEFINED AS A NEWLY IDENTIFIED PATHOGEN OR STRAIN OF PATHOGEN, A KNOWN PATHOGEN IN A NEW LOCATION, OR A NEW PRESENTATION OF A KNOWN PATHOGEN.

(9) "OWNER" MEANS THE PERSON OR ENTITY OWNING THE LIVESTOCK OR PROPERTY AND THE OWNER'S OFFICERS, MEMBERS, EMPLOYEES, AGENTS, ATTORNEYS, AND REPRESENTATIVES.

(10) "QUARANTINE" MEANS AN ORDER ISSUED BY THE COMMISSIONER WHEN TESTING HAS CONFIRMED THE PRESENCE OF AN INFECTIOUS OR CONTAGIOUS DISEASE IN LIVESTOCK, WHICH ORDER ISOLATES SPECIFIC LIVESTOCK, PREMISES, COUNTIES, DISTRICTS, OR SECTIONS OF THE STATE; RESTRICTS THE MOVEMENT OF LIVESTOCK; AND SPECIFIES SANITARY MEASURES.

(11) "REPORTABLE DISEASE" MEANS AN INFECTIOUS OR CONTAGIOUS DISEASE SPECIFIED BY RULE AS REPORTABLE TO THE STATE VETERINARIAN.

(12) "STATE VETERINARIAN" MEANS THE STATE VETERINARIAN OF THE COLORADO DEPARTMENT OF AGRICULTURE OR HIS OR HER AUTHORIZED REPRESENTATIVE.

(13) "TEST" OR "TESTING" MEANS OR APPLIES TO THE DIAGNOSTIC TEST OR ANY OTHER METHOD APPROVED BY THE STATE VETERINARIAN FOR DETECTING INFECTIOUS OR CONTAGIOUS DISEASES IN LIVESTOCK.

35-50-104. State veterinarian and authorized representatives. (1) SUBJECT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, THE COMMISSIONER IS AUTHORIZED TO EMPLOY A LICENSED DOCTOR OF VETERINARY MEDICINE AS STATE

VETERINARIAN, WHO WILL BE AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT.

(2) THE COMMISSIONER MAY EMPLOY, AS ASSISTANTS AND AUTHORIZED REPRESENTATIVES, ACCREDITED VETERINARIANS WHO ARE LICENSED TO PRACTICE IN COLORADO AS MAY BE NECESSARY TO ASSIST THE STATE VETERINARIAN IN CARRYING OUT THE DUTIES AND FUNCTIONS SET FORTH IN THIS ARTICLE.

(3) THE COMMISSIONER MAY COMMISSION GRADUATE VETERINARIANS LOCATED IN VARIOUS PORTIONS OF THE STATE, TO BE KNOWN AS COMMISSIONED STATE VETERINARIANS. SUCH COMMISSIONED STATE VETERINARIANS MAY BE CALLED UPON BY THE STATE VETERINARIAN TO PERFORM SUCH SPECIAL DUTIES IN ALL HAZARDS ARISING FROM ANY LIVESTOCK EMERGENCIES AS MAY BE ASSIGNED TO THEM, AND THEY SHALL REPORT TO THE STATE VETERINARIAN. COMMISSIONED STATE VETERINARIANS SHALL PERFORM ONLY SUCH SPECIAL DUTIES AS MAY BE ASSIGNED TO THEM. SUCH COMMISSIONED STATE VETERINARIANS SHALL HOLD THEIR COMMISSIONS AT THE PLEASURE OF THE COMMISSIONER AND MAY BE REMOVED AT ANY TIME.

(4) THE COMMISSIONER MAY APPOINT OR EMPLOY COMPETENT PERSONS TO PERFORM DUTIES AS ASSIGNED BY THE STATE VETERINARIAN FOR DISEASE CONTROL OR LIVESTOCK EMERGENCIES.

(5) THE DEPARTMENT SHALL ADMINISTER AN INFECTIOUS OR CONTAGIOUS DISEASE SURVEILLANCE, CONTROL, AND ERADICATION PROGRAM AND SHALL SUPERVISE OR BE RESPONSIBLE FOR THE SUPERVISION OF ALL PERSONNEL ENGAGED IN ANY COUNTY OR AREA INFECTIOUS OR CONTAGIOUS DISEASE CONTROL PROGRAM. THE SERVICE OF PERSONNEL COMMISSIONED OR APPOINTED PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION SHALL BE PAID FOR BY THE LIVESTOCK OWNER UNLESS SPECIFICALLY PROVIDED FOR BY LOCAL, STATE, OR FEDERAL FUNDING.

(6) ALL PERSONS UTILIZED BY THE COMMISSIONER, THE DEPARTMENT, AND THE STATE VETERINARIAN PURSUANT TO THIS SECTION, WHETHER EMPLOYED OR VOLUNTEER, SHALL BE DEEMED EMPLOYEES OF THE DEPARTMENT FOR PURPOSES OF ARTICLE 10 OF TITLE 24, C.R.S.

35-50-105. Powers and duties of the commissioner. (1) THE COMMISSIONER IS RESPONSIBLE FOR REGULATION RELATED TO LIVESTOCK DISEASE OR OTHER LIVESTOCK EMERGENCIES AMONG OR AFFECTING LIVESTOCK IN THE STATE.

(2) THE COMMISSIONER IS AUTHORIZED TO ADMINISTER AND ENFORCE THE PROVISIONS OF, AND ANY RULES ADOPTED PURSUANT TO, THIS ARTICLE.

(3) THE COMMISSIONER MAY ADOPT, SUBJECT TO THE COMMISSION'S APPROVAL, ALL REASONABLE RULES FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE INCLUDING, BUT NOT LIMITED TO:

(a) A DESIGNATION OF LIVESTOCK DISEASES TO BE DIAGNOSED, CONTROLLED, OR ERADICATED;

(b) A DESIGNATION OF LIVESTOCK DISEASES TO BE REPORTED TO THE STATE VETERINARIAN;

- (c) THE HEALTH STANDARDS FOR IMPORTATION OF LIVESTOCK INTO THE STATE;
 - (d) THE STANDARDS AND REQUIREMENTS FOR LIVESTOCK HEALTH CERTIFICATES;
 - (e) THE STANDARDS AND REQUIREMENTS FOR PET ANIMAL HEALTH CERTIFICATES, AS SUCH CERTIFICATES MAY BE REQUIRED PURSUANT TO SECTION 35-50-112 (2);
 - (f) THE STANDARDS AND REQUIREMENTS FOR TESTING LIVESTOCK FOR INFECTIOUS OR CONTAGIOUS DISEASES;
 - (g) THE STANDARDS AND REQUIREMENTS FOR VACCINATING LIVESTOCK AGAINST INFECTIOUS OR CONTAGIOUS DISEASES;
 - (h) THE STANDARDS AND REQUIREMENTS FOR SURVEILLANCE, TESTING, OR IMPLEMENTATION OF DISEASE CONTROL OR OTHER SANITARY MEASURES TO PREVENT THE SPREAD OF INFECTIOUS OR CONTAGIOUS LIVESTOCK DISEASES;
 - (i) THE STANDARDS AND REQUIREMENTS FOR THE DISINFECTION OF PREMISES TO PREVENT THE SPREAD OF INFECTIOUS OR CONTAGIOUS LIVESTOCK DISEASES;
 - (j) THE STANDARDS AND REQUIREMENTS FOR IDENTIFICATION AND TRACEABILITY OF LIVESTOCK;
 - (k) THE STANDARDS AND REQUIREMENTS FOR EUTHANASIA OF LIVESTOCK TO PREVENT THE SPREAD OF INFECTIOUS OR CONTAGIOUS LIVESTOCK DISEASES;
 - (l) THE STANDARDS AND REQUIREMENTS FOR DISPOSAL OF LIVESTOCK CARCASSES;
 - (m) THE STANDARDS AND REQUIREMENTS IN PREPARATION FOR, RESPONSE TO, OR RECOVERY FROM LIVESTOCK DISEASE OR DISASTER;
 - (n) THE FORM AND MANNER OF DISEASE REPORTING, AS REQUIRED BY SECTION 35-50-108;
 - (o) ESTABLISHMENT OF STATE EMERGENCY PREPAREDNESS PLANS RELATED TO LIVESTOCK HEALTH;
 - (p) THE STANDARDS AND REQUIREMENTS FOR PREVENTION OF DISEASES IN LIVESTOCK; AND
 - (q) LIVESTOCK DISEASE PREVENTION BY THE STATE VETERINARIAN.
- (4) THE COMMISSIONER MAY CONDUCT HEARINGS REQUIRED UNDER SECTIONS 35-50-117 AND 35-50-118 PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., AND MAY USE ADMINISTRATIVE LAW JUDGES TO CONDUCT SUCH HEARINGS WHEN THEIR USE WOULD RESULT IN A NET SAVING OF COSTS TO THE DEPARTMENT.
- (5) THE COMMISSIONER MAY HOLD HEARINGS, ADMINISTER OATHS, SUBPOENA WITNESSES, AND TAKE TESTIMONY IN ALL MATTERS RELATING TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE COMMISSIONER. UPON FAILURE OR REFUSAL OF A WITNESS TO OBEY ANY SUBPOENA, THE COMMISSIONER MAY

PETITION THE DISTRICT COURT, AND, UPON PROPER SHOWING, THE COURT MAY ORDER A WITNESS TO APPEAR AND TESTIFY OR PRODUCE DOCUMENTARY EVIDENCE. FAILURE TO OBEY THE ORDER OF THE COURT SHALL BE PUNISHABLE AS CONTEMPT OF COURT.

(6) THE COMMISSIONER MAY ENTER INTO COOPERATIVE AGREEMENTS WITH ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE OR ANY OTHER STATE OR WITH ANY AGENCY OF THE UNITED STATES GOVERNMENT FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS ARTICLE, RECEIVING GRANTS-IN-AID, AND SECURING UNIFORMITY OF RULES AND REGULATIONS. THIS COOPERATIVE AGREEMENT MAY EXTEND TO THE TESTING, CONDEMNATION, APPRAISING, PAYING OF INDEMNITIES, AND OTHER LIKE PURPOSES REGARDING ANIMAL DISEASE CONTROL, AS THE COMMISSIONER AND APPROPRIATE DIVISION OF THE UNITED STATES DEPARTMENT OF AGRICULTURE MAY AGREE UPON. WHEN SUCH AGREEMENT IS EFFECTED, THE VETERINARY INSPECTORS OF SUCH DIVISION, WORKING IN COOPERATION WITH THE COMMISSION, HAVE THE SAME POWER TO ENFORCE THE PROVISIONS OF THIS ARTICLE AS AN ASSISTANT OR COMMISSIONED STATE VETERINARIAN. THE LEGAL AUTHORITIES OF ANY COUNTY OR MUNICIPALITY IN WHICH THE STATE OR FEDERAL AUTHORITIES TAKE UP THE WORK OF INFECTIOUS OR CONTAGIOUS DISEASE CONTROL OR ERADICATION MAY APPROPRIATE, FOR AIDING IN SUCH WORK, SUCH SUMS AS SUCH AUTHORITIES MAY DEEM ADEQUATE AND NECESSARY.

(7) THE COMMISSIONER, ALONE OR IN COOPERATION WITH OTHER AGENCIES OF THE STATE OR THE FEDERAL GOVERNMENT, MAY DISSEMINATE INFORMATION BY PUBLICATION OR UNDERTAKE OTHER EDUCATIONAL EFFORTS PERTAINING TO LIVESTOCK DISEASE DIAGNOSIS, CONTROL, OR ERADICATION AND LIVESTOCK EMERGENCY PREPAREDNESS.

(8) THE POWERS AND DUTIES VESTED IN THE COMMISSIONER BY THIS ARTICLE MAY BE DELEGATED TO QUALIFIED EMPLOYEES OF THE DEPARTMENT.

35-50-106. Supplies, diagnostic testing, and service fund - expenditures. THE COMMISSIONER MAY PROMULGATE SUCH RULES AS ARE NECESSARY TO ESTABLISH A FUND INTO WHICH THE PROCEEDS FROM THE SALE OF SUPPLIES AND SERVICES SHALL BE DEPOSITED. THE PROCEEDS FROM THIS FUND ARE SPECIFICALLY AND CONTINUOUSLY APPROPRIATED FOR PURCHASE OF SUPPLIES AND SUCH OTHER LABORATORY EXPENSES AND INCIDENTAL EXPENSES, INCLUDING TRAVEL DIRECTLY INCIDENTAL TO THE INFECTIOUS OR CONTAGIOUS DISEASE CONTROL AND ERADICATION PROGRAM, AS MAY BE DETERMINED BY THE COMMISSIONER.

35-50-107. Disease detection and prevention. WHENEVER THE COMMISSIONER REASONABLY SUSPECTS THAT LIVESTOCK ARE IN OR FROM AN AREA OF CONCENTRATION OR POINT OF DISTRIBUTION WHERE THERE IS A POTENTIAL FOR THE SPREAD OF DISEASE, OR THAT THE LIVESTOCK MAY HAVE BEEN EXPOSED TO OR ARE SUFFERING FROM AN INFECTIOUS OR CONTAGIOUS DISEASE, THE COMMISSIONER MAY, AS A SANITARY MEASURE, CONDUCT SURVEILLANCE OR OTHERWISE INSPECT THE SUSPECTED LIVESTOCK, UNDER SUCH RULES AS THE COMMISSIONER MAY ADOPT.

35-50-108. Mandatory reporting. (1) ANY PERSON WHO KNOWS OR HAS REASON TO BELIEVE THAT ANY LIVESTOCK THAT BELONGS TO OR IS IN THE POSSESSION OF SUCH PERSON, OR ANY LIVESTOCK UPON SUCH PERSON'S PREMISES, HAS A REPORTABLE DISEASE SHALL IMMEDIATELY REPORT SUCH DISEASE TO THE STATE

VETERINARIAN.

(2) WHENEVER ANY VETERINARIAN LICENSED IN THIS STATE SUSPECTS A REPORTABLE DISEASE IN LIVESTOCK OF THE STATE, SUCH VETERINARIAN SHALL IMMEDIATELY REPORT SUCH FINDINGS TO THE STATE VETERINARIAN.

(3) EVERY LICENSED, ACCREDITED VETERINARIAN MAKING TESTS UPON LIVESTOCK FOR TUBERCULOSIS IN THIS STATE, IMMEDIATELY AFTER THE TESTS ARE CONCLUDED, SHALL REPORT THE RESULT OF THE TESTS OF ALL SUCH LIVESTOCK TESTED TO THE STATE VETERINARIAN.

(4) DIAGNOSTIC LABORATORIES LOCATED WITHIN THE STATE SHALL REPORT ALL POSITIVE RESULTS OF TESTING FOR REPORTABLE DISEASES.

(5) EVERY VETERINARIAN LICENSED IN THIS STATE SHALL REPORT ALL POSITIVE RESULTS OF ANY TESTING FOR REPORTABLE DISEASES.

(6) ANY VETERINARIAN WHO OR DIAGNOSTIC LABORATORY THAT REPORTS, IN GOOD FAITH AND IN THE NORMAL COURSE OF BUSINESS, DISEASE TEST RESULTS PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL OR CRIMINAL ACTION BROUGHT AGAINST SUCH VETERINARIAN OR DIAGNOSTIC LABORATORY FOR REPORTING.

35-50-109. Inspection and testing. (1) WHENEVER IT BECOMES KNOWN TO THE COMMISSIONER THAT AN INFECTIOUS OR CONTAGIOUS DISEASE EXISTS AMONG LIVESTOCK OF THE STATE, THE COMMISSIONER MAY INSPECT ALL LIVESTOCK IN THE STATE, UNDER SUCH RULES AS THE COMMISSIONER MAY ADOPT.

(2) WHENEVER IT BECOMES KNOWN TO THE COMMISSIONER THAT AN INFECTIOUS OR CONTAGIOUS DISEASE EXISTS AMONG LIVESTOCK OF THE STATE, THE COMMISSIONER MAY COMPEL THE TESTING OF ALL LIVESTOCK IN THE STATE, UNDER SUCH RULES AS THE COMMISSIONER MAY ADOPT.

(3) ANY OWNER WHOSE LIVESTOCK ARE SUSPECTED, AFTER EPIDEMIOLOGICAL INVESTIGATION, OF HAVING AN INFECTIOUS OR CONTAGIOUS DISEASE SHALL, UPON ORDER OF THE COMMISSIONER, ASSEMBLE SUCH LIVESTOCK AND PROVIDE THE NECESSARY FACILITIES FOR INSPECTION AND COLLECTION OF SUCH SAMPLES AS MAY BE DEEMED NECESSARY TO CONDUCT TESTS OF SUCH LIVESTOCK FOR THE INFECTIOUS OR CONTAGIOUS DISEASE, AND SHALL RENDER SUCH ASSISTANCE AS REQUIRED.

(4) ALL SAMPLES DRAWN IN TESTING FOR AN INFECTIOUS OR CONTAGIOUS DISEASE SHALL BE FORWARDED TO THE DEPARTMENT'S ANIMAL HEALTH LABORATORY OR ANY OTHER LABORATORY APPROVED BY THE STATE VETERINARIAN FOR TESTING.

(5) WHENEVER ANY LIVESTOCK ARE TESTED, THE LIVESTOCK SHALL BE INDIVIDUALLY IDENTIFIED, AS SPECIFIED BY THE COMMISSIONER IN SUCH RULES AS THE COMMISSIONER MAY ADOPT. OFFICIAL IDENTIFICATION SHALL NOT BE REMOVED FROM SUCH LIVESTOCK OR ALTERED IN ANY FASHION.

(6) THE OWNER OF LIVESTOCK ORDERED TESTED OR TREATED SHALL BE RESPONSIBLE FOR THE COSTS OF ALL TESTING OR TREATMENT, UNLESS SPECIFICALLY

PROVIDED FOR BY LOCAL, STATE, OR FEDERAL FUNDING.

(7) IF THE OWNER OF LIVESTOCK ORDERED TREATED OR TESTED, AFTER REASONABLE NOTICE AS DETERMINED BY THE COMMISSIONER, FAILS TO DIP, SPRAY, TEST, OR OTHERWISE TREAT SUCH LIVESTOCK AS ORDERED BY THE COMMISSIONER, THE COMMISSIONER MAY SEIZE, OR CAUSE TO BE SEIZED, DIPPED, SPRAYED, TESTED, OR OTHERWISE TREATED, SUCH LIVESTOCK AND HOLD AND SELL THE SAME, OR SUCH PART OF THE LIVESTOCK AS MAY BE NECESSARY TO PAY ALL COSTS OF THE INSPECTION, SEIZING, CARING FOR, DIPPING, SPRAYING, TESTING, OR OTHER TREATMENT, TOGETHER WITH COST OF SALE. SUCH SALE SHALL BE MADE AT SUCH TIME AND PLACE, AND IN SUCH MANNER, AS MAY BE PRESCRIBED BY THE COMMISSIONER AFTER NOT LESS THAN THREE DAYS' NOR MORE THAN FIFTEEN DAYS' NOTICE OF THE TIME, PLACE, AND PURPOSES OF SUCH SALE HAS BEEN GIVEN BY THE COMMISSIONER TO THE OWNER OF THE LIVESTOCK AND TO EACH SECURED PARTY HOLDING A SECURITY INTEREST IN THE SUBJECT LIVESTOCK, WHICH APPEARS IN THE LIST OF EFFECTIVE FILINGS AS MAINTAINED BY THE CENTRAL FILING OFFICER PURSUANT TO THE "CENTRAL FILING OF EFFECTIVE FINANCING STATEMENT ACT", ARTICLE 9.5 OF TITLE 4, C.R.S. IF PERSONAL SERVICE OF SUCH NOTICE CANNOT BE HAD WITHIN THE COUNTY IN WHICH THE LIVESTOCK ARE BEING HELD BY THE COMMISSIONER, SUCH NOTICE MAY BE GIVEN EITHER BY PERSONAL SERVICE OUTSIDE OF SUCH COUNTY OR BY ADVERTISEMENT IN THE OFFICIAL STATE LIVESTOCK PAPER. THE OWNER OF LIVESTOCK SO SEIZED AND HELD, OR ANY SECURED PARTY HOLDING A SECURITY INTEREST IN SUCH LIVESTOCK, WHICH APPEARS IN THE LIST OF EFFECTIVE FILINGS AS MAINTAINED BY THE CENTRAL FILING OFFICER PURSUANT TO THE "CENTRAL FILING OF EFFECTIVE FINANCING STATEMENT ACT", ARTICLE 9.5 OF TITLE 4, C.R.S., AT ANY TIME PRIOR TO SUCH SALE, MAY RECOVER POSSESSION OF THE LIVESTOCK UPON PAYMENT TO THE COMMISSIONER OF THE AMOUNT OF THE COSTS INCURRED BY ORDER OF THE COMMISSIONER AGAINST SUCH LIVESTOCK. ANY SUM REALIZED FROM THE SALE OF SUCH LIVESTOCK OVER AND ABOVE THE AMOUNT OF THE COSTS ACTUALLY INCURRED AGAINST SUCH LIVESTOCK SHALL BE RETURNED BY THE COMMISSIONER TO THE OWNER OF SUCH LIVESTOCK IF THE OWNER IS KNOWN, OR CAN BY REASONABLE DILIGENCE BE FOUND. OTHERWISE, SUCH SURPLUS SHALL BE PLACED IN THE ESTRAY FUND, SUBJECT TO THE LAW IN EFFECT REGARDING SUCH FUND.

(8) WHENEVER THE STATE VETERINARIAN FINDS INDICATIONS OF ANY INFECTIOUS OR CONTAGIOUS DISEASE AMONG ANY LIVESTOCK IN THIS STATE, AND THE STATE VETERINARIAN IS UNABLE TO DETERMINE POSITIVELY THE EXACT NATURE OF SUCH DISEASE, THE STATE VETERINARIAN MAY ORDER ONE OF THE ANIMALS SO SUSPECTED SLAUGHTERED, IN ORDER THAT A POST MORTEM EXAMINATION MAY BE MADE TO DETERMINE THE CHARACTER OF THE DISEASE.

(9) WHENEVER THE STATE VETERINARIAN HAS GOOD REASON TO BELIEVE THAT ANY DISEASE SO INVESTIGATED IS CONTAGIOUS OR INFECTIOUS AND THAT SUCH LIVESTOCK ARE LIKELY TO COMMUNICATE THE DISEASE TO OTHER LIVESTOCK, THE STATE VETERINARIAN MAY AT ONCE ESTABLISH A HOLD OVER SUCH LIVESTOCK AND PREMISES AND MAY TAKE SUCH STEPS AS MAY BE DEEMED NECESSARY TO PREVENT THE SPREAD OF SUCH CONTAGION OR INFECTION. SUCH HOLD SHALL BE LEGAL AND BINDING IN THE SAME MANNER AS A QUARANTINE ESTABLISHED PURSUANT TO SECTION 35-50-111, AND ANY VIOLATION OF SUCH HOLD OR ORDER OF THE STATE VETERINARIAN SHALL BE CONSIDERED AN UNLAWFUL ACT PURSUANT TO SECTION 35-50-116.

(10) WHENEVER IN THE OPINION OF THE STATE VETERINARIAN THERE EXISTS WITHIN THIS STATE A LIVESTOCK DISEASE THAT HE OR SHE IS UNABLE TO DIAGNOSE OR IDENTIFY, THE COMMISSIONER MAY CALL UPON THE VETERINARY DEPARTMENT OF COLORADO STATE UNIVERSITY TO CAUSE SCIENTIFIC INVESTIGATION TO BE MADE TO DETERMINE THE EXACT CHARACTER OF SUCH DISEASE. COLORADO STATE UNIVERSITY MAY CHARGE THE ACTUAL AND NECESSARY DIRECT EXPENSE OF LABORATORY AND DIAGNOSTIC PROCEDURES CONNECTED THEREWITH.

35-50-110. State livestock disease diagnostic laboratories. THE ROCKY MOUNTAIN REGIONAL ANIMAL HEALTH LABORATORY AND THE COLORADO STATE UNIVERSITY VETERINARY DIAGNOSTIC LABORATORIES, COLLECTIVELY KNOWN AS THE STATE LIVESTOCK DISEASE DIAGNOSTIC LABORATORIES, SHALL FUNCTION TO PROVIDE DISEASE TESTING TO SUPPORT THE DEPARTMENT'S LIVESTOCK DISEASE PROGRAMS. THE LABORATORIES SHALL BE SCALED TO PROVIDE TESTING OF SUCH VOLUME AS TO MEET THE POTENTIAL DISEASE CONTROL, PROTECTION, AND SURVEILLANCE NEEDS OF THE LIVESTOCK INDUSTRY OF THE STATE.

35-50-111. Quarantine. (1) WHENEVER THE COMMISSIONER DEEMS IT NECESSARY TO QUARANTINE ANY SPECIFIC LIVESTOCK, PREMISES, COUNTY, DISTRICT, OR SECTION OF THE STATE FOR THE PURPOSE OF PREVENTING THE SPREAD OF AN INFECTIOUS OR CONTAGIOUS DISEASE AMONG THE LIVESTOCK WITHIN THE STATE, THE COMMISSIONER MAY, THROUGH THE STATE VETERINARIAN, CALL ON ALL SHERIFFS OR OTHER PEACE OFFICERS OF ANY COUNTY WITHIN THE STATE TO ASSIST IN MAINTAINING SUCH QUARANTINE AND TO ARREST ANYONE WHO MAY VIOLATE SUCH QUARANTINE OR ANY RULES MADE BY THE COMMISSIONER FOR THE PURPOSE OF MAINTAINING SUCH QUARANTINE. IT IS THE DUTY OF ALL SHERIFFS OR OTHER PEACE OFFICERS TO ACT IN SUCH CASES WHEN SO CALLED UPON, AND THEY SHALL BE ALLOWED SUCH RECOMPENSE AS IS PROVIDED BY STATUTE FOR SIMILAR SERVICES.

(2) THE COMMISSIONER MAY PLACE A HOLD UPON ANY SPECIFIC LIVESTOCK, PREMISES, COUNTY, DISTRICT, OR SECTION OF THE STATE FOR THE PURPOSE OF PREVENTING THE SPREAD OF AN INFECTIOUS OR CONTAGIOUS DISEASE WHEN CLINICAL SIGNS AND SYMPTOMS SUGGEST THE PRESENCE OF THE DISEASE AND LABORATORY CONFIRMATION IS PENDING.

(3) ONCE TESTING HAS CONFIRMED THE PRESENCE OF AN INFECTIOUS OR CONTAGIOUS DISEASE, THE COMMISSIONER MAY QUARANTINE ANY SPECIFIC LIVESTOCK, PREMISES, COUNTY, DISTRICT, OR SECTION OF THE STATE FOR THE PURPOSE OF PREVENTING THE SPREAD OF ANY INFECTIOUS OR CONTAGIOUS DISEASE WITHIN THE STATE, UNDER SUCH RULES AS THE COMMISSIONER MAY ADOPT.

(4) WHENEVER THE COMMISSIONER FINDS IT NECESSARY TO QUARANTINE ANY LIVESTOCK, RANCH, FARM, PREMISES, OR PORTION OF THIS STATE BECAUSE OF AN INFECTIOUS OR CONTAGIOUS DISEASE, THE COMMISSIONER MAY HOLD IN QUARANTINE SUCH RANCH, FARM, PREMISES, OR PART OF THIS STATE AS THE COMMISSIONER MAY DEEM NECESSARY AFTER ALL LIVESTOCK HAVE BEEN REMOVED THEREFROM, UNTIL SUCH TIME AS IN THE JUDGMENT OF THE STATE VETERINARIAN THERE IS NO FURTHER RISK OF EXPOSING LIVESTOCK TO DISEASE BY PERMITTING THEM TO INHABIT SUCH QUARANTINED AREA.

(5) HELD OR QUARANTINED LIVESTOCK SHALL BE TREATED, FED, AND CARED FOR

AT THE EXPENSE OF THE OWNER. ALL EXPENSES OF A HOLD OR QUARANTINE SHALL BE BORNE BY THE OWNER OF THE LIVESTOCK SO HELD OR QUARANTINED AND SHALL CONSTITUTE A LIEN ON SUCH LIVESTOCK.

35-50-112. Importation of livestock - pet animal health certificates. (1) IT IS UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO SHIP OR DRIVE INTO COLORADO ANY LIVESTOCK UNLESS SUCH LIVESTOCK ARE ACCOMPANIED BY AN OFFICIAL HEALTH CERTIFICATE, EXCEPT AS MAY BE SET FORTH IN RULES PROMULGATED BY THE COMMISSIONER. SUCH HEALTH CERTIFICATE SHALL BE IN THE FORM AND MANNER AS PRESCRIBED BY THE COMMISSIONER. NO LIVESTOCK KNOWN TO BE AFFECTED WITH, OR EXPOSED TO, ANY INFECTIOUS OR CONTAGIOUS DISEASE MAY BE IMPORTED INTO COLORADO EXCEPT AS AUTHORIZED BY RULE. LIVESTOCK SHALL ALSO MEET ALL FEDERAL INTERSTATE REQUIREMENTS.

(2) THE COMMISSIONER MAY PROMULGATE RULES CREATING AND REQUIRING PET ANIMAL HEALTH CERTIFICATES. FOR THE PURPOSES OF THIS SECTION, "PET ANIMAL" MEANS DOGS, CATS, RABBITS, GUINEA PIGS, HAMSTERS, MICE, FERRETS, BIRDS, FISH, REPTILES, AMPHIBIANS, AND INVERTEBRATES, OR ANY OTHER SPECIES OF WILD, DOMESTIC, OR HYBRID ANIMAL KEPT AS A HOUSEHOLD PET, EXCEPT LIVESTOCK AS DEFINED IN 35-50-103 (7).

35-50-113. Condemnation of livestock. (1) WHENEVER THE STATE VETERINARIAN REPORTS TO THE COMMISSION THAT THERE EXISTS AN OUTBREAK OF CONTAGIOUS OR INFECTIOUS DISEASE AMONG LIVESTOCK OF THIS STATE OF SUCH A CHARACTER AS TO ENDANGER AND IMPERIL THE LIVESTOCK OF THE STATE, THE COMMISSION, UPON APPROVAL OF THE GOVERNOR, MAY ISSUE AN ORDER OF CONDEMNATION TO CONDEMN AND DESTROY ANY LIVESTOCK SO INFECTED, OR ANY LIVESTOCK THAT HAS BEEN EXPOSED TO OR IS DEEMED BY THE COMMISSION CAPABLE OF COMMUNICATING SUCH CONTAGIOUS OR INFECTIOUS DISEASE TO OTHER LIVESTOCK, AND TO CONDEMN AND DESTROY ANY BARN, SHEDS, CORRALS, PENS, OR OTHER PROPERTY THAT THE COMMISSION MAY DETERMINE IS NECESSARY TO BE DESTROYED IN ORDER TO PREVENT THE SPREAD OF SUCH CONTAGION OR INFECTION. SUCH CONDEMNATION AND DESTRUCTION SHALL TAKE PLACE ONLY WHEN IN THE OPINION OF THE COMMISSION AND THE GOVERNOR AN EMERGENCY EXISTS AND SUCH ACTION IS JUSTIFIED AND NECESSARY FOR THE SAFETY AND PROTECTION OF THE LIVESTOCK OF THIS STATE.

(2) WHENEVER THE STATE AGRICULTURAL COMMISSION FINDS IT NECESSARY TO CONDEMN AND DESTROY ANY ANIMALS OR PROPERTY WITHIN THIS STATE BECAUSE OF ANY CONTAGIOUS OR INFECTIOUS DISEASE, SUCH ANIMALS OR PROPERTY SHALL NOT BE DESTROYED UNTIL AFTER A FAIR APPRAISAL HAS BEEN MADE OF THE VALUE OF SUCH ANIMALS OR PROPERTY BY THREE APPRAISERS, ONE TO BE APPOINTED BY THE STATE AGRICULTURAL COMMISSION, ONE BY THE OWNER OF THE PROPERTY TO BE DESTROYED, AND THE THIRD TO BE SELECTED BY THESE TWO. SUCH APPRAISERS SHALL MAKE A REPORT TO THE COMMISSION UNDER OATH AS TO THEIR APPRAISAL AND THE COMMISSION SHALL FORWARD SUCH APPRAISAL TO THE GOVERNOR WITH SUCH RECOMMENDATION AS TO THE PROPORTION OF SUCH APPRAISEMENT TO BE CONSIDERED A JUST BILL AGAINST THE STATE OF COLORADO AS THE COMMISSION MAY THINK RIGHT.

(3) ANY DISPUTE OR PROTEST REGARDING THE APPRAISAL SHALL NOT DELAY

DESTRUCTION OF THE ANIMALS OR PROPERTY.

35-50-114. Indemnification of livestock owners. (1) TO MEET THE EMERGENCY CAUSED BY ANY OUTBREAK OF CONTAGIOUS OR INFECTIOUS DISEASE, THE GOVERNOR MAY CAUSE TO BE ISSUED THE STATE'S CERTIFICATE OF INDEBTEDNESS WITH WHICH TO INDEMNIFY OWNERS OF PROPERTY DESTROYED TO PAY THE NECESSARY COSTS AND EXPENSE OF EXTERMINATING AND ERADICATING SUCH CONTAGION OR INFECTION. THIS SECTION SHALL NOT APPLY TO THE DISEASES FOR WHICH FEDERAL INDEMNITY IS PAID TO THE OWNERS. IN THE CASE OF A DISEASE FOR WHICH FEDERAL INDEMNITY IS PAID, COMBINED STATE AND FEDERAL INDEMNITY SHALL NOT EXCEED ACTUAL APPRAISED VALUE WHEN AN APPRAISAL IS REQUIRED.

(2) THE COMMISSIONER, UPON THE RECOMMENDATION OF THE STATE VETERINARIAN, MAY AUTHORIZE THE PAYMENT OF INDEMNITY TO ANY LIVESTOCK OWNER WHOSE HERD, PURSUANT TO WRITTEN AGREEMENT WITH THE STATE VETERINARIAN, IS SOLD FOR SLAUGHTER OR DESTROYED BECAUSE IT IS EXPOSED TO OR DIAGNOSED WITH AN INFECTIOUS OR CONTAGIOUS DISEASE; EXCEPT THAT 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 ANY PROVISION OF THIS SECTION TO THE CONTRARY, INDEMNITY SHALL NOT BE PAID FOR BRUCELLOSIS REACTOR LIVESTOCK.

(3) THERE IS HEREBY CREATED IN THE STATE TREASURY THE DISEASED LIVESTOCK INDEMNITY FUND. THE UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FOR PAYMENTS FOR THE SERVICES OF COMMISSIONED OR APPOINTED PERSONNEL PURSUANT TO SECTION 35-50-104 SHALL BE CREDITED TO THE DISEASED LIVESTOCK INDEMNITY FUND, UPON APPROVAL OF THE COMMISSIONER, AT THE END OF EACH FISCAL YEAR. THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED FOR THE PURPOSE OF MAKING PAYMENTS AS PROVIDED IN THIS SECTION.

(4) NO INDEMNITY SHALL BE PAID WHEN:

(a) THE LIVESTOCK ARE OWNED BY THE UNITED STATES OR A STATE, COUNTY, MUNICIPALITY, OR OTHER GOVERNMENT ENTITY;

(b) THE LIVESTOCK WERE BROUGHT INTO THE STATE CONTRARY TO THIS ARTICLE, THE RULES OF THE COMMISSIONER, OR AN ORDER OF THE COMMISSIONER;

(c) THE LIVESTOCK WERE FOUND TO BE DISEASED UPON ARRIVAL IN THE STATE OR WERE EXPOSED TO THE DISEASE PRIOR TO THEIR ARRIVAL;

(d) THE LIVESTOCK WERE PREVIOUSLY AFFECTED BY ANY OTHER DISEASE THAT BY ITS NATURE AND DEVELOPMENT WAS INCURABLE AND NECESSARILY FATAL;

(e) THE LIVESTOCK WERE PURCHASED AT THE TIME OF A QUARANTINE OR PURCHASED WHEN DUE DILIGENCE AND CAUTION WOULD HAVE SHOWN THE LIVESTOCK TO BE DISEASED;

(f) THE OWNER OF THE LIVESTOCK WILLFULLY EXPOSED THE LIVESTOCK TO THE

DISEASE;

(g) THE OWNER KNEW THE LIVESTOCK TO BE DISEASED OR HAD NOTICE OF THE DISEASE AT THE TIME THE LIVESTOCK CAME INTO THE OWNER'S POSSESSION;

(h) THE OWNER OR THE OWNER'S AGENT HAS NOT USED REASONABLE DILIGENCE TO PREVENT DISEASE OR EXPOSURE TO DISEASE;

(i) THE OWNER OR THE OWNER'S AGENT HAS NOT COMPLIED WITH THIS ARTICLE, THE RULES ADOPTED BY THE COMMISSIONER, OR AN ORDER ISSUED BY THE COMMISSIONER;

(j) THE DESTRUCTION ORDER WAS NOT COMPLIED WITH WITHIN THE SPECIFIED TIME PERIOD; OR

(k) THE OWNER ATTEMPTED TO UNLAWFULLY OR IMPROPERLY OBTAIN INDEMNITY FUNDS.

35-50-115. Cervidae disease revolving fund - creation. (1) (a) THE COMMISSION MAY LEVY AN ASSESSMENT ON THE OWNERS OF ALTERNATIVE LIVESTOCK CERVIDAE OR CAPTIVE WILDLIFE CERVIDAE, WHICH SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CERVIDAE DISEASE REVOLVING FUND, WHICH FUND IS HEREBY CREATED. THIS ASSESSMENT SHALL BE DETERMINED BY THE COMMISSION, UPON THE RECOMMENDATION OF THE CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK BOARD CREATED IN SECTION 33-1-121, C.R.S., AND SHALL BE IN AN AMOUNT, NOT TO EXCEED EIGHT DOLLARS PER HEAD OF CERVIDAE PER YEAR, REFLECTING THE DIRECT AND INDIRECT EXPENSES OF CARRYING OUT THE PURPOSES OF THIS SECTION. THE FUND SHALL BE MAINTAINED AT A LEVEL OF NO MORE THAN TWO HUNDRED THOUSAND DOLLARS AND SHALL BE ADMINISTERED BY THE COMMISSION PURSUANT TO THE RECOMMENDATIONS OF THE CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK BOARD. ADMINISTRATION OF THE FUND SHALL INCLUDE SETTING A MINIMUM RESERVE LEVEL FOR THE FUND. AN ASSESSMENT SHALL NOT BE LEVIED OR COLLECTED ON CERVIDAE OWNED BY A ZOOLOGICAL PARK THAT IS ACCREDITED BY THE AMERICAN ZOO AND AQUARIUM ASSOCIATION. A ZOOLOGICAL PARK THAT DOES NOT PAY INTO THE FUND IS NOT ELIGIBLE FOR INDEMNIFICATION UNDER THIS SECTION.

(b) IF THE FUND REACHES A LEVEL OF TWO HUNDRED THOUSAND DOLLARS OR MORE, THE COMMISSION SHALL CEASE MAKING ANY ASSESSMENTS UNTIL SUCH TIME AS THE LEVEL OF THE FUND FALLS BELOW TWO HUNDRED THOUSAND DOLLARS AND THE COMMISSION DETERMINES THAT A LEVY IS NECESSARY.

(2) (a) THE MONEYS IN THE FUND MAY BE USED TO INDEMNIFY OWNERS OF CERVIDAE DESTROYED FOR THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES.

(b) COMBINED STATE AND FEDERAL INDEMNITY SHALL NOT EXCEED EIGHTY PERCENT OF MARKET VALUE OF THE DESTROYED CERVIDAE, AS DETERMINED BY THE CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK BOARD.

(c) THE AMOUNT OF INDEMNIFICATION PAYMENTS TO OWNERS OF CERVIDAE DESTROYED UNDER ORDER OF THE STATE VETERINARIAN FOR THE CONTROL OF

CONTAGIOUS AND INFECTIOUS DISEASE SHALL BE DETERMINED BY THE CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK BOARD, SUBJECT TO APPROVAL BY THE COMMISSION.

(3) ALL MONEYS CREDITED TO THE FUND AND ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE A PART OF THE FUND AND SHALL NOT BE TRANSFERRED OR CREDITED TO THE GENERAL FUND OR TO ANY OTHER FUND EXCEPT AS DIRECTED BY THE GENERAL ASSEMBLY, ACTING BY BILL. MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE COMMISSION FOR DIRECT AND INDIRECT EXPENSES INCURRED IN CARRYING OUT THE PURPOSES OF THIS SECTION.

35-50-116. Unlawful acts. (1) UNLESS OTHERWISE AUTHORIZED BY LAW, IT IS UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR ANY PERSON:

- (a) TO REFUSE OR FAIL TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE;
- (b) TO REFUSE OR FAIL TO COMPLY WITH ANY RULES ADOPTED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE OR WITH ANY LAWFUL ORDER ISSUED BY THE COMMISSIONER;
- (c) TO REFUSE OR FAIL TO COMPLY WITH A CEASE AND DESIST ORDER ISSUED PURSUANT TO SECTION 35-50-117;
- (d) TO IMPERSONATE ANY STATE OFFICIAL OR AUTHORIZED REPRESENTATIVE AS DEFINED IN THIS ARTICLE;
- (e) TO REFUSE TO PERMIT THE STATE VETERINARIAN TO INSPECT AND TEST ANY LIVESTOCK PURSUANT TO THIS ARTICLE OR RULES ADOPTED BY THE COMMISSIONER PURSUANT THIS ARTICLE. EACH DAY OF REFUSAL BY THE OWNER OF LIVESTOCK TO SUBMIT SUCH LIVESTOCK FOR INSPECTION AND TESTING SHALL BE DEEMED A SEPARATE OFFENSE.
- (f) TO VIOLATE ANY PROVISION OF A HOLD OR QUARANTINE;
- (g) TO FAIL OR REFUSE TO IDENTIFY LIVESTOCK PURSUANT TO SECTION 35-50-109 OR RULES ADOPTED BY THE COMMISSIONER PURSUANT TO SECTION 35-50-105 (3) (j) OR TO REMOVE OR TAMPER WITH SUCH IDENTIFICATION;
- (h) TO FAIL OR REFUSE TO REPORT A DISEASE PURSUANT TO SECTION 35-50-108;
- (i) TO KNOWINGLY PERMIT LIVESTOCK INFECTED WITH OR EXPOSED TO AN INFECTIOUS OR CONTAGIOUS DISEASE TO RUN AT LARGE OR COME INTO CONTACT WITH ANOTHER ANIMAL, EXCEPT AS PERMITTED BY RULE ADOPTED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE;
- (j) TO HARBOR, SELL, OR OTHERWISE DISPOSE OF ANY LIVESTOCK OR LIVESTOCK PART INFECTED WITH OR EXPOSED TO A REPORTABLE DISEASE UNLESS SPECIFICALLY PERMITTED BY THE STATE VETERINARIAN AND UNLESS SUCH DISPOSAL IS FULLY DISCLOSED;
- (k) TO IMPORT INTO THE STATE ANY LIVESTOCK OR LIVESTOCK PART INFECTED

WITH OR EXPOSED TO ANY INFECTIOUS OR CONTAGIOUS DISEASE, EXCEPT AS PERMITTED BY RULE ADOPTED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE;

(l) TO HARBOR, SELL, OR OTHERWISE TRADE IN OR IMPORT INTO THE STATE ANY INFECTIOUS AGENT, HOST, OR VECTOR, EXCEPT AS PERMITTED BY RULE ADOPTED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE; OR

(m) TO ALTER OR FALSIFY ANY HEALTH CERTIFICATE ISSUED PURSUANT TO SECTION 35-50-112.

35-50-117. Enforcement. (1) THE COMMISSION OR ITS DESIGNEE SHALL ENFORCE THIS ARTICLE.

(2) WHENEVER THE COMMISSION OR ITS DESIGNEE HAS REASONABLE CAUSE TO BELIEVE A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE HAS OCCURRED AND IMMEDIATE ENFORCEMENT IS DEEMED NECESSARY, THE COMMISSION OR ITS DESIGNEE MAY ISSUE AN ORDER REQUIRING A PERSON TO CEASE AND DESIST FROM SUCH VIOLATION. SUCH CEASE AND DESIST ORDER SHALL SET FORTH THE PROVISIONS ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL ACTIONS CEASE IMMEDIATELY. AT ANY TIME AFTER SERVICE OF THE ORDER TO CEASE AND DESIST, THE PERSON MAY REQUEST A PROMPT HEARING TO DETERMINE WHETHER OR NOT SUCH VIOLATION HAS OCCURRED. SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL BE DETERMINED PROMPTLY.

(3) WHENEVER THE COMMISSION OR ITS DESIGNEE POSSESSES SATISFACTORY EVIDENCE THAT ANY PERSON HAS ENGAGED OR IS ABOUT TO ENGAGE IN ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF ANY RULE ADOPTED UNDER THIS ARTICLE, THE COMMISSION OR ITS DESIGNEE MAY APPLY TO A COURT OF COMPETENT JURISDICTION TO TEMPORARILY OR PERMANENTLY RESTRAIN OR ENJOIN THE ACT OR PRACTICE IN QUESTION AND TO ENFORCE COMPLIANCE WITH THIS ARTICLE OR ANY RULE OR ORDER UNDER THIS ARTICLE. IN ANY SUCH ACTION, THE COMMISSION OR ITS DESIGNEE SHALL NOT BE REQUIRED TO PLEAD OR PROVE IRREPARABLE INJURY OR THE INADEQUACY OF THE REMEDY AT LAW. UNDER NO CIRCUMSTANCES SHALL THE COURT REQUIRE THE COMMISSION OR ITS DESIGNEE TO POST A BOND.

35-50-118. Civil penalties. (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE 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 MARCH 23, 1995.

(2) NO CIVIL PENALTY MAY BE IMPOSED BY THE COMMISSION OR ITS DESIGNEE UNLESS THE PERSON CHARGED IS GIVEN NOTICE AND OPPORTUNITY FOR A HEARING PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

(3) IF THE COMMISSION OR ITS DESIGNEE IS UNABLE TO COLLECT THE CIVIL PENALTY, OR IF A PERSON FAILS TO PAY ALL OR A SET PORTION OF THE CIVIL PENALTY AS DETERMINED BY THE COMMISSION OR ITS DESIGNEE, THE COMMISSION MAY BRING SUIT TO RECOVER SUCH AMOUNT PLUS COSTS AND ATTORNEY FEES BY ACTION IN A COURT OF COMPETENT JURISDICTION.

(4) BEFORE IMPOSING ANY CIVIL PENALTY, THE COURT, THE COMMISSION, OR THE COMMISSION'S DESIGNEE MAY CONSIDER THE EFFECT OF SUCH PENALTY ON THE PERSON CHARGED.

(5) ALL PENALTIES COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE DISEASED LIVESTOCK INDEMNITY FUND CREATED IN SECTION 35-50-114 (3).

35-50-119. Criminal penalties. (1) EXCEPT AS SET FORTH IN SUBSECTION (2) OF THIS SECTION, ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION, OR CORPORATION, AND ANY OFFICER OR AGENT THEREOF, WHO VIOLATES ANY OF THE PROVISIONS OF THIS ARTICLE OR ANY LAWFUL ORDER OR RULE OF THE COMMISSIONER COMMITS A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN NINETY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

(2) A PERSON WHO MOVES OR CAUSES TO BE MOVED ANY SINGLE HEAD OR ANY HERD OF CATTLE, HORSES, SHEEP, GOATS, SWINE, POULTRY, OR OTHER LIVESTOCK FROM A HOLD OR QUARANTINED AREA IN VIOLATION OF A HOLD OR QUARANTINE ORDER OR WHO KNOWINGLY OR UNLAWFULLY INTRODUCES A REPORTABLE DISEASE INTO THE STATE COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED PURSUANT TO TITLE 18, C.R.S. IN THE CASE OF A SECOND OR SUBSEQUENT CONVICTION UNDER THIS SECTION, A SENTENCE OF IMPRISONMENT WITHIN THE MINIMUM AND MAXIMUM TERMS SHALL BE MANDATORY AND SHALL NOT BE SUBJECT TO SUSPENSION. A PLEA OF NOLO CONTENDERE ACCEPTED BY THE COURT SHALL BE CONSIDERED A CONVICTION FOR THE PURPOSES OF THIS SECTION.

35-50-120. Information sharing and analysis. (1) EXCEPT AS SET FORTH IN SUBSECTION (2) OF THIS SECTION, INFORMATION OBTAINED AND MAINTAINED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE, AND THE RESULTS OF SURVEILLANCE AND INVESTIGATIONS MAY, IN THE DISCRETION OF THE COMMISSIONER, BE CLOSED TO PUBLIC INSPECTION, EXCEPT AS PROVIDED BY COURT ORDER, DURING THE INVESTIGATORY PERIOD AND UNTIL THE MATTER IS DISMISSED WITHOUT FURTHER ACTION OR UNTIL A QUARANTINE IS ISSUED.

(2) AS TO ANY ENFORCEMENT ACTIONS TAKEN OR THE IMPOSITION OF CIVIL PENALTIES, COMPLAINTS OF RECORD MADE TO THE COMMISSIONER AND THE RESULTS OF THE COMMISSIONER'S INVESTIGATIONS MAY, IN THE DISCRETION OF THE COMMISSIONER, BE CLOSED TO PUBLIC INSPECTION, EXCEPT TO THE PERSON IN INTEREST, AS DEFINED IN SECTION 24-72-202 (4), C.R.S., OR AS PROVIDED BY COURT ORDER, DURING THE INVESTIGATORY PERIOD AND UNTIL DISMISSED OR UNTIL NOTICE OF HEARING AND CHARGES ARE SERVED ON A RESPONDENT OR OTHER OFFICIAL ACTION IS TAKEN.

35-50-121. Rights of secured parties. EACH SECURED PARTY, WHOSE SECURITY INTEREST IN THE SUBJECT LIVESTOCK APPEARS IN THE LIST OF EFFECTIVE FILINGS AS MAINTAINED BY THE CENTRAL FILING OFFICER PURSUANT TO THE "CENTRAL FILING OF EFFECTIVE FINANCING STATEMENT ACT", ARTICLE 9.5 OF TITLE 4, C.R.S., PRIOR TO THE COMMISSIONER'S PAYMENT TO THE OWNER OF ANY EXCESS SALES PROCEEDS PURSUANT TO SECTION 35-50-109 (7); PRIOR TO THE ISSUANCE TO THE OWNER OF THE STATE'S CERTIFICATE OF INDEBTEDNESS PURSUANT TO SECTION 35-50-114 (1); OR PRIOR TO THE COMMISSIONER'S AUTHORIZATION OF PAYMENT OF INDEMNITY PURSUANT TO SECTION 35-50-114 (2) SHALL HAVE A RIGHT TO THE PROCEEDS OF ANY SUCH PAYMENT OR INDEMNITY OR TO SUCH CERTIFICATE OF INDEBTEDNESS, WHICH IS PRIOR TO THAT OF THE OWNER, AND THE COMMISSIONER OR THE GOVERNOR, AS THE CASE MAY BE, SHALL CAUSE THE FOREGOING TO BE PAID OR ISSUED JOINTLY TO EACH SUCH SECURED PARTY AND TO THE OWNER.

35-50-122. Savings clause. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO DIMINISH OR SUPERCEDE THE CONCURRENT JURISDICTION OR THE AUTHORITIES OF THE WILDLIFE COMMISSION OR THE AGRICULTURE COMMISSION TO REGULATE CAPTIVE WILDLIFE AND ALTERNATIVE LIVESTOCK.

SECTION 2. Article 53 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

35-53-131. Sheep inspection districts. (1) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY, UPON PETITION OF AT LEAST FIFTY-ONE PERCENT OF THE SHEEP GROWERS OF THE COUNTY, SHALL REQUEST THE BOARD TO DESIGNATE SUCH COUNTY AS A SHEEP INSPECTION DISTRICT. THE BOARD SHALL DULY AUTHORIZE A BRAND INSPECTOR TO INSPECT SHEEP MOVING FROM RANGE TO RANGE, OR ANY MIGRATORY MOVEMENT OF SHEEP, THROUGH SUCH COUNTIES.

(2) THE AUTHORIZED BRAND INSPECTOR SHALL INSPECT SUCH TRANSITORY SHEEP FOR A BRAND OR EARMARKS, AND THE OWNER OF SHEEP SO INSPECTED SHALL BE GIVEN AN INSPECTION CERTIFICATE STATING THE TIME AND PLACE OF INSPECTION.

(3) ANY SHEEP OWNER IN A COUNTY DESIGNATED AS A SHEEP INSPECTION DISTRICT SHALL NOTIFY THE BOARD, OR ITS DULY AUTHORIZED INSPECTOR, SEVEN DAYS IN ADVANCE OF ANY MOVEMENT OF SHEEP FROM ONE RANGE TO ANOTHER. SUCH INSPECTOR SHALL THEN DESIGNATE A CORRAL, CONVENIENT TO THE ROUTE TO BE TAKEN BY SUCH BAND OF SHEEP, WHERE INSPECTION SHALL BE MADE.

35-53-132. Failure to give notice. ANY OWNER OR FOREMAN WHO SEGREGATES, FORMS FLOCKS OF, TRANSPORTS, OR DRIVES ANY SHEEP FROM AUTHORIZED INSPECTION DISTRICTS WITHOUT GIVING DUE NOTICE TO AN AUTHORIZED INSPECTOR AS REQUIRED BY SECTION 35-53-131 (3) COMMITS A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN THREE MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

35-53-133. Inspection fee - range movements. (1) IN ADDITION TO THE MONEYS NOW PROVIDED BY LAW TO PROVIDE THE BOARD WITH SUFFICIENT MONEYS WITH WHICH TO MEET AND DEFRAY EXPENSES, IT IS THE DUTY OF BRAND INSPECTORS APPOINTED BY THE BOARD TO COLLECT A FEE, IN AN AMOUNT DETERMINED BY THE

BOARD BY RULE, ON EACH SHEEP INSPECTED IN SHEEP INSPECTION DISTRICTS. THE FEE COLLECTED SHALL BE REPORTED AND TRANSMITTED TO THE BOARD, AT SUCH TIME AND IN SUCH WAY AS THE BOARD'S RULES MAY REQUIRE.

(2) WHENEVER FIFTY-ONE PERCENT OF THE HOLDERS OF SHEEP PERMITS ON PUBLIC LANDS PETITION THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS TO MAKE INSPECTION OF SHEEP USING SUCH PUBLIC LANDS, THE BOARD SHALL AUTHORIZE AN INSPECTOR OF THE BOARD TO INSPECT SHEEP ON RANGE-TO-RANGE MOVEMENTS FOR BRANDS OR EARMARKS. ANY OWNER OF SHEEP USING SUCH PUBLIC LANDS SHALL NOTIFY THE BOARD SEVEN DAYS IN ADVANCE OF SUCH INTENDED MOVEMENT OF SHEEP, AND SUCH INSPECTOR SHALL DESIGNATE THE MOST CONVENIENT AVAILABLE CORRAL ON THE ROUTE TAKEN BY SUCH TRANSITORY BANDS.

SECTION 3. 24-72-204 (3) (a) (XIV), Colorado Revised Statutes, is amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.

(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XIV) Veterinary medical data, information, and records on individual animals that are owned by private individuals or business entities, but are in the custody of a veterinary medical practice or hospital, including the veterinary teaching hospital at Colorado state university, that provides veterinary medical care and treatment to animals. A veterinary-patient-client privilege exists with respect to such data, information, and records only when a person in interest and a veterinarian enter into a mutual agreement to provide medical treatment for an individual animal and such person in interest maintains an ownership interest in such animal undergoing treatment. For purposes of this subparagraph (XIV), "person in interest" means the owner of an animal undergoing veterinary medical treatment or such owner's designated representative. Nothing in this subparagraph (XIV) shall prevent the state agricultural commission, THE STATE AGRICULTURAL COMMISSIONER, or the state board of veterinary medicine from exercising ~~its~~ THEIR investigatory and enforcement powers and duties granted pursuant to ~~sections~~ SECTION 35-1-106 (1) (h), ARTICLE 50 OF TITLE 35, and SECTION 12-64-105 (9) (e), C.R.S., respectively.

SECTION 4. Effective date. (1) This act shall take effect December 1, 2005.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: May 4, 2005