

CHAPTER 13

AGRICULTURE

HOUSE BILL 12-1158

BY REPRESENTATIVE(S) Baumgardner, Scott, Brown, Joshi, Coram, Pace, Sonnenberg, Vigil;
also SENATOR(S) Giron and Grantham, Mitchell, Neville, White.

AN ACT

CONCERNING THE REGULATION OF PRODUCERS OF MATERIALS THAT MAY BE USED IN COMMERCIAL LIVESTOCK FEED, AND, IN CONNECTION THEREWITH, REPEALING THE "COLORADO INEDIBLE MEAT RENDERING AND PROCESSING ACT OF 1967" AND RELOCATING SOME OF ITS PROVISIONS TO THE "COLORADO FEED LAW".

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

SECTION 1. In Colorado Revised Statutes, **repeal** article 59 of title 35.

SECTION 2. In Colorado Revised Statutes, 35-60-106, **amend** (1) introductory portion as follows:

35-60-106. Labeling - general requirements - commercial and customer-formula feeds. (1) **Commercial feed label contents.** EXCEPT AS OTHERWISE SPECIFIED IN RULE BY THE COMMISSIONER, a commercial feed ~~shall~~ MUST be labeled with the information required in this subsection (1). ~~Such~~ THE information ~~shall~~ MUST appear on the label in the following order:

SECTION 3. In Colorado Revised Statutes, **amend** 35-60-109 as follows:

35-60-109. Authority of the commissioner - rules. (1) The commissioner is authorized to promulgate, amend, and repeal, in accordance with ~~the provisions of~~ the "State Administrative Procedure Act", article 4 of title 24, C.R.S., such rules as are specifically required by this article and such other reasonable rules, including any record-keeping requirements AND OPERATING REQUIREMENTS, as may be necessary for the efficient enforcement of this article.

(2) In the interest of uniformity, the commissioner shall by rule adopt, unless the commissioner determines that they are inconsistent with ~~the provision of~~ this article

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

or are not appropriate to conditions that exist in this state, the following:

(a) The official definitions of feed ingredients and official feed terms adopted by the association of American feed control officials as published in the official publication of such association; and

(b) The regulations promulgated pursuant to the "Federal Food, Drug, and Cosmetic Act"; except that, if the commissioner determines that any of such definitions, terms, and regulations are inconsistent with ~~the provisions of~~ this article or are not appropriate to conditions in this state, the commissioner shall not adopt them.

~~(2)~~ (3) Before the commissioner issues, amends, or repeals any rule authorized by this article, the commissioner shall provide ~~the~~ notice as required by section 24-4-103, C.R.S. ~~After consideration of all views presented by interested persons, the commissioner shall take appropriate action to issue the proposed rule, regulation, or repeal of an existing rule; except that, if the commissioner adopts the official definitions of feed ingredients or official feed terms as adopted by the association of American feed control officials, or rules promulgated pursuant to the "Federal Food, Drug, and Cosmetic Act", such additional notification shall not be required.~~

SECTION 4. In Colorado Revised Statutes, **amend** 35-60-111 as follows:

35-60-111. Detained feeds. (1) **Stop distribution, manufacture, or use as feed.** When the commissioner has reasonable cause to believe any ~~lot of~~ feed is in violation of ~~any of the provisions of~~ this article or any rules promulgated pursuant ~~thereto~~ TO THIS ARTICLE, the commissioner may issue and enforce a written or printed "stop distribution, manufacture, or use as feed" order, warning any distributor, manufacturer, or feeder of the ~~lot of~~ feed not to distribute, use as feed, or dispose of such feed in any manner until written permission is given by the commissioner or the court. The commissioner shall release the ~~lot of~~ feed subject to the order when ~~such~~ THE APPLICABLE provisions and rules have been complied with. If the distributor does not come into compliance within thirty days, the commissioner may begin, or upon request of the distributor, manufacturer, or feeder shall begin, proceedings for condemnation.

(2) **Condemnation and confiscation.** Any ~~lot of~~ feed not in compliance with ~~the provisions of~~ this article or rules promulgated pursuant ~~thereto shall be~~ TO THIS ARTICLE ARE subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the district or county where the feed is located. ~~In the event~~ IF the court finds the feed to be in noncompliance with this article or rules promulgated pursuant ~~thereto~~ TO THIS ARTICLE and orders the condemnation of such feed, it ~~shall~~ MUST be disposed of in ~~any~~ A manner consistent with the quality of the feed and the laws of this state; except that ~~such~~ THE COURT SHALL NOT ORDER THE disposal of the feed ~~shall not be ordered by the court~~ without first giving the distributor or other claimant an opportunity to apply to the court for release of the feed or for permission to process or relabel the feed to bring it into compliance with this article or rules promulgated pursuant ~~thereto~~ TO THIS ARTICLE.

SECTION 5. Effective date. This act takes effect July 1, 2012.

SECTION 6. 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: March 15, 2012