

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB23-038 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 18-9-210 as
4 follows:

5 **18-9-210. Equine slaughter for human consumption -**
6 **transportation - safe harbor - penalties - definitions. (1) Definitions.**

7 AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) "EQUINE" MEANS A HORSE, MULE, OR BURRO.

9 (b) "PREDATOR" MEANS ANY ANIMAL THAT:

10 (I) IS NOT A HUMAN; AND

11 (II) WHEN NOT IN CAPTIVITY, NORMALLY KILLS OTHER ANIMALS
12 TO CONSUME THE OTHER ANIMALS.

13 (2) **Unlawful acts.** EXCEPT AS PROVIDED IN SUBSECTION (4) OF
14 THIS SECTION, A PERSON COMMITS UNLAWFUL EQUINE TRANSPORTATION
15 IF THE PERSON VIOLATES SUBSECTION (3) OF THIS SECTION.

16 (3) A PERSON SHALL NOT TRANSPORT MORE THAN TWENTY
17 EQUINES IN A VEHICLE TO SLAUGHTER FOR HUMAN CONSUMPTION UNLESS
18 THE VEHICLE MEETS THE FOLLOWING REQUIREMENTS:

19 (a) THE FLOOR IS CONSTRUCTED OF OR COVERED WITH MATERIAL
20 THAT PREVENTS EQUINES FROM SKIDDING OR SLIDING;

21 (b) PARTITIONS OF STURDY CONSTRUCTION ARE PLACED A
22 MINIMUM OF TEN FEET APART IN VEHICLES THAT DO NOT HAVE STALLS;

23 (c) DOORWAYS ARE OF SUFFICIENT HEIGHT TO ALLOW SAFE
24 INGRESS AND EGRESS OF EACH EQUINE IN THE VEHICLE;

25 (d) RAMPS SUFFICIENT FOR LOADING AND UNLOADING EQUINES
26 ARE PROVIDED IF THE VERTICAL DISTANCE FROM THE FLOOR OF THE
27 COMPARTMENT CONTAINING EQUINES TO THE GROUND IS GREATER THAN
28 FIFTEEN INCHES;

29 (e) THE VEHICLE:

30 (I) PROVIDES ADEQUATE VENTILATION FOR THE EQUINES; AND

31 (II) DOES NOT TRANSPORT EQUINES ON MULTIPLE TIERS IN WHICH
32 AN EQUINE STANDS ON A FLOOR THAT IS ABOVE AT LEAST ONE OTHER
33 EQUINE; AND

34 (f) THE INTERIORS OF COMPARTMENTS CONTAINING EQUINES ARE:

35 (I) CONSTRUCTED OF SMOOTH MATERIALS CONTAINING NO SHARP
36 OBJECTS OR HAZARDOUS PROTRUSIONS, EXCEPT AS PROVIDED IN
37 SUBSECTION (3)(a) OF THIS SECTION; AND

38 (II) HIGH ENOUGH TO ALLOW CLEARANCE ABOVE THE POLL AND
39 WITHERS OF EACH HORSE IN THE COMPARTMENT.

1 (4) **Safe harbor.** IT IS NOT UNLAWFUL EQUINE TRANSPORTATION
2 FOR A PERSON TO:

3 (a) EXPORT AN EQUINE FROM THE STATE IF THE EQUINE IS
4 SLAUGHTERED FOR USE BY A FACILITY TO FEED PREDATORS HOUSED AT
5 THE FACILITY; OR

6 (b) EXPORT EQUINE MEAT FROM THE STATE IN OR THROUGH A
7 SECONDARY MARKET FOR EQUINE PRODUCTS IF THE EQUINE WAS
8 SLAUGHTERED FOR USE BY A FACILITY TO FEED PREDATORS HOUSED AT
9 THE FACILITY.

10 (5) **Acts that are separate offenses.** EACH EPISODE OF EQUINES
11 BEING TRANSPORTED IN VIOLATION OF SUBSECTION (3) OF THIS SECTION IS
12 A SEPARATE OFFENSE.

13 (6) **Penalties.** (a) EXCEPT AS PROVIDED IN SUBSECTIONS (6)(b)
14 AND (6)(c) OF THIS SECTION, A PERSON WHO COMMITS UNLAWFUL EQUINE
15 TRANSPORTATION IS GUILTY OF A MISDEMEANOR, AND UPON CONVICTION,
16 MAY BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS.

17 (b) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT ACT OF
18 UNLAWFUL EQUINE TRANSPORTATION IS GUILTY OF A MISDEMEANOR IF
19 THE PERSON WAS CONVICTED OF OR PLED NOLO CONTENDERE TO
20 UNLAWFUL EQUINE TRANSPORTATION WITHIN THE PREVIOUS TEN YEARS
21 AND, UPON CONVICTION OF A SECOND OR SUBSEQUENT OFFENSE, THE
22 COURT MAY IMPOSE UPON THE PERSON A FINE OF UP TO TWO THOUSAND
23 FIVE HUNDRED DOLLARS.

24 (c) A PERSON WHO COMMITS UNLAWFUL EQUINE TRANSPORTATION
25 AND WHO OBTAINED THE EQUINE BY FRAUD OR THEFT IS GUILTY OF A
26 MISDEMEANOR AND, UPON CONVICTION, THE COURT MAY IMPOSE UPON
27 THE PERSON A FINE OF UP TO FIVE THOUSAND DOLLARS.

28 **SECTION 2.** In Colorado Revised Statutes, **amend** 35-55-105 as
29 follows:

30 **35-55-105. Posting licenses - required notices.** (1) A certified
31 copy of an issued license may be procured by the holder of the original
32 LICENSE upon payment of a fee of one dollar. ~~therefor, and~~ THE LICENSE
33 HOLDER SHALL POST the original or certified copy of ~~said~~ THE license ~~shall~~
34 ~~be posted~~ during sale periods in a conspicuous place on the premises
35 where the public livestock market is conducted.

36 (2) (a) AT A PUBLIC AUCTION OR SALE WHERE EQUINE LIVESTOCK,
37 AS DEFINED IN SECTION 35-41-100.3 (1.7), ARE PURCHASED, THE
38 MANAGEMENT OF THE AUCTION OR SALE SHALL GIVE THE EQUINE
39 LIVESTOCK BUYER THE NOTICE DESCRIBED IN SUBSECTION (2)(b) OF THIS
40 SECTION BY POSTING THE NOTICE:

41 (I) ON A SIGN MEASURING A MINIMUM OF SIXTEEN INCHES BY TEN
42 INCHES WITH LETTERING OF A MINIMUM OF NINETY-ONE-POINT FONT; AND
43 (II) IN A CONSPICUOUS LOCATION THAT IS CLEARLY VISIBLE TO A

1 MAJORITY OF THE PEOPLE ATTENDING THE PUBLIC AUCTION.
2 (b) TO COMPLY WITH THIS SUBSECTION (2), THE NOTICE MUST
3 READ AS FOLLOWS:

4 WARNING:

5 THE TRANSPORTATION OF EQUINE LIVESTOCK INTENDED
6 FOR SLAUGHTER FOR HUMAN CONSUMPTION IN VIOLATION
7 OF SECTION 18-9-210 IS PUNISHABLE BY A FINE OF UP TO
8 ONE THOUSAND DOLLARS.

9 **SECTION 3. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly; except that, if a referendum petition is filed pursuant
13 to section 1 (3) of article V of the state constitution against this act or an
14 item, section, or part of this act within such period, then the act, item,
15 section, or part will not take effect unless approved by the people at the
16 general election to be held in November 2024 and, in such case, will take
17 effect on the date of the official declaration of the vote thereon by the
18 governor.

19 (2) This act applies to acts committed on or after the applicable
20 effective date of this act."

21 Page 1, line 101, strike "ON SLAUGHTERING EQUINES" and substitute
22 "RELATED TO TRANSPORTING EQUINES TO SLAUGHTER".

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