

Be it enacted by the People of the State of Colorado:

Article XVIII of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

SECTION 17. CATTLE TAIL DOCKING

(1) DEFINITIONS. AS USED IN THIS SECTION,

(a) "CATTLE" MEANS ANY LIVING BOVINE.

(b) "DOCK" MEANS TO CUT OR REMOVE ANY PORTION OF THE FLESH OR BONE OF AN ANIMAL'S TAIL.

(c) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION OR AGENCY, BUSINESS TRUST, ESTATE, TRUST, LIMITED LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

(d) "THERAPEUTIC" MEANS FOR THE PURPOSE OF TREATING A SICK OR INJURED ANIMAL, WHERE SUCH TREATMENT IS DEEMED MEDICALLY NECESSARY BY A LICENSED VETERINARIAN, AND NOT MERELY PROPHYLACTIC.

(2) PROHIBITION- EXCEPTION.

(a) NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE CONTRARY, NO PERSON SHALL DOCK THE TAIL OF ANY CATTLE, OR PROCURE THE SAME TO BE DONE.

(b) NOTWITHSTANDING PART (a) OF THIS SUBSECTION, CATTLE TAIL DOCKING MAY BE PERFORMED IF:

(I) SUCH PROCEDURE IS PERFORMED FOR A THERAPEUTIC PURPOSE;

(II) THE PROCEDURE IS PERFORMED BY A LICENSED VETERINARIAN USING SUITABLE INSTRUMENTS AND UNDER HYGIENIC CONDITIONS;

(III) THE PROCEDURE IS CONDUCTED IN SUCH A WAY AS TO MINIMIZE ANY PAIN AND SUFFERING OF THE ANIMAL; AND

(IV) THE ANIMAL HAS BEEN ADEQUATELY ANESTHETIZED TO MINIMIZE THE ANIMAL'S PAIN AND SUFFERING DURING THE OPERATION.

(3) PENALTY.

(a) THE GENERAL ASSEMBLY SHALL ENACT, AMEND, OR REPEAL SUCH LAWS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION 17, INCLUDING PENALTY PROVISIONS, NO LATER THAN MAY 14, 2015

(b) IT IS NOT AN AFFIRMATIVE DEFENSE TO ALLEGED VIOLATIONS OF THIS SECTION THAT THE TAIL OF ANY CATTLE WAS DOCKED AS AN ACCEPTABLE ANIMAL HUSBANDRY PRACTICE.

(4) SEVERABILITY AND APPLICABILITY

(a) IF ANY PROVISION OF THIS SECTION IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL, THE REMAINING PROVISIONS ARE VALID UNLESS THE COURT HOLDS THAT THE VALID PROVISIONS ARE SO ESSENTIALLY AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT UPON, THE VOID PROVISION THAT IT CANNOT BE PRESUMED THE ENACTMENT OF THE VALID

PROVISIONS WOULD HAVE OCCURRED WITHOUT THE VOID ONE; OR UNLESS THE COURT DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE INCOMPLETE AND NOT CAPABLE OF BEING EXECUTED.

(b) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER LAWS PROTECTING ANIMAL WELFARE. THIS SECTION MAY NOT BE CONSTRUED TO LIMIT ANY STATE LAW OR RULES PROTECTING THE WELFARE OF ANIMALS OR TO PREVENT A LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN ANIMAL WELFARE LAWS AND REGULATIONS.

(5) EFFECTIVE DATE – ALL PROVISIONS OF THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO.

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