

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0271.01 Duane Gall x4335

HOUSE BILL 12-1158

HOUSE SPONSORSHIP

Baumgardner, Scott, Brown, Joshi

SENATE SPONSORSHIP

Giron and Grantham,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill repeals the "Colorado Inedible Meat Rendering and Processing Act of 1967" and grants rule-making authority to the commissioner of agriculture to specify labeling and operating requirements for the production of commercial feed under the existing "Colorado Feed Law".

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

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

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

6 **35-60-106. Labeling - general requirements - commercial and**
7 **customer-formula feeds.** (1) **Commercial feed label contents.** EXCEPT
8 AS OTHERWISE SPECIFIED IN RULE BY THE COMMISSIONER, a commercial
9 feed ~~shall~~ MUST be labeled with the information required in this
10 subsection (1). ~~Such~~ THE information ~~shall~~ MUST appear on the label in
11 the following order:

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

14 **35-60-109. Authority of the commissioner - rules.** (1) The
15 commissioner is authorized to promulgate, amend, and repeal, in
16 accordance with ~~the provisions of~~ the "State Administrative Procedure
17 Act", article 4 of title 24, C.R.S., such rules as are specifically required
18 by this article and such other reasonable rules, including any
19 record-keeping requirements AND OPERATING REQUIREMENTS, as may be
20 necessary for the efficient enforcement of this article.

21 (2) In the interest of uniformity, the commissioner shall by rule
22 adopt, unless the commissioner determines that they are inconsistent with
23 ~~the provision of~~ this article or are not appropriate to conditions that exist

1 in this state, the following:

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

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

10 ~~(2)~~ (3) Before the commissioner issues, amends, or repeals any
11 rule authorized by this article, the commissioner shall provide ~~the~~ notice
12 as required by section 24-4-103, C.R.S. ~~After consideration of all views~~
13 ~~presented by interested persons, the commissioner shall take appropriate~~
14 ~~action to issue the proposed rule, regulation, or repeal of an existing rule;~~
15 ~~except that, if the commissioner adopts the official definitions of feed~~
16 ~~ingredients or official feed terms as adopted by the association of~~
17 ~~American feed control officials, or rules promulgated pursuant to the~~
18 ~~"Federal Food, Drug, and Cosmetic Act", such additional notification~~
19 ~~shall not be required.~~

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

22 **35-60-111. Detained feeds.** (1) **Stop distribution, manufacture,**
23 **or use as feed.** When the commissioner has reasonable cause to believe
24 any lot of feed is in violation of ~~any of the provisions of this article~~ or any
25 rules promulgated pursuant ~~thereto~~ TO THIS ARTICLE, the commissioner
26 may issue and enforce a written or printed "stop distribution,
27 manufacture, or use as feed" order, warning any distributor, manufacturer,

1 or feeder of the ~~lot of~~ feed not to distribute, use as feed, or dispose of
2 such feed in any manner until written permission is given by the
3 commissioner or the court. The commissioner shall release the ~~lot of~~ feed
4 subject to the order when ~~such~~ THE APPLICABLE provisions and rules have
5 been complied with. If the distributor does not come into compliance
6 within thirty days, the commissioner may begin, or upon request of the
7 distributor, manufacturer, or feeder shall begin, proceedings for
8 condemnation.

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

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

24 **SECTION 6. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.