HOUSE BILL 13-1231

A BILL FOR AN ACT

CONCERNING A PROHIBITION AGAINST ROUTINE TAIL DOCKING OF DAIRY CATTLE.

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.)

The bill prohibits the routine practice of docking the tail of any dairy cattle; however, it allows tail docking if the following conditions are met:

! A licensed veterinarian performs the tail docking;
! The tail docking is performed for a therapeutic purpose;

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.
Anesthesia is used on the animal during the procedure; and
The veterinarian conducts the procedure in a manner that
minimizes the animal's long-term pain and suffering.
It is an affirmative defense to an alleged violation of the bill that
the tail of any dairy cattle was docked before December 1, 2013.

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

SECTION 1. In Colorado Revised Statutes, add article 50.7 to
title 35 as follows:

ARTICLE 50.7
Bovine Tail Docking

35-50.7-101. Definitions. As used in this article, unless the
context otherwise requires:

(1) "Dairy cattle" means a living member of the bovine
species whose primary use is or will be to produce milk.

(2) "Dock" or "docking" means to cut or remove a portion
of the bone, nerve, muscle, or tendon of an animal's tail.

(3) "Person" has the same meaning as set forth in section
2-4-401 (8), C.R.S.

(4) "Therapeutic", as applied to a treatment or procedure,
means a type of treatment or procedure that a licensed
veterinarian, as defined in section 12-64-103 (9), C.R.S., deems
medically necessary to treat a sick or injured animal. The term
does not include treatment that is merely prophylactic in
nature.

35-50.7-102. Prohibitions - exceptions - penalty. (1) A person
shall not dock the tail of any dairy cattle or cause another
person to dock the tail of any dairy cattle, unless a licensed
veterinarian performs the procedure:
(a) FOR A THERAPEUTIC PURPOSE;
(b) USING SUITABLE INSTRUMENTS;
(c) UNDER HYGIENIC CONDITIONS;
(d) AFTER SUFFICIENTLY ANESTHETIZING THE ANIMAL TO MINIMIZE
ITS PAIN AND SUFFERING; AND
(e) IN A MANNER THAT MINIMIZES THE ANIMAL'S LONG-TERM PAIN
AND SUFFERING.

(2) A PERSON WHO VIOLATES THIS ARTICLE COMMITS A CLASS 2
PETTY OFFENSE AND SHALL BE PUNISHED BY A FINE NOT TO EXCEED FIVE
HUNDRED DOLLARS, AS PROVIDED IN SECTION 18-1.3-503, C.R.S.

(3) IT IS NOT AN AFFIRMATIVE DEFENSE TO AN ALLEGED VIOLATION
OF THIS SECTION THAT TAIL DOCKING WAS PERFORMED AS PART OF AN
EXISTING ANIMAL HUSBANDRY PRACTICE.

(4) IT IS AN AFFIRMATIVE DEFENSE TO AN ALLEGED VIOLATION OF
THIS SECTION THAT THE TAIL OF ANY DAIRY CATTLE WAS DOCKED BEFORE
DECEMBER 1, 2013.

35-50.7-103. Applicability. The provisions of this article are
in addition to, and not in lieu of, other laws protecting animal
welfare. This section neither limits other state animal welfare
laws, or the rules promulgated under them, nor prevents a
local governing body from adopting and enforcing its own
animal welfare laws and regulations.

SECTION 2. Act subject to petition - effective date. This act
takes effect December 1, 2013; except that, if a referendum petition is
filed pursuant to section 1 (3) of article V of the state constitution against
this act or an item, section, or part of this act within the ninety-day period
after final adjournment of the general assembly, then the act, item,
section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.