

January 25, 2008

By Hand Delivery and Electronic Mail

Kirk Mlinek, Director
Colorado Legislative Council Staff
Room 029
State Capitol Building
Denver, Colorado 80203
E-mail: lcs.ga@state.co.us

Re: Request for Review and Comment

Dear Mr. Mlinek

Pursuant to Colorado Constitution, Art. V, § 1(5), we hereby submit, as proponents, the following initiative to the directors of the Legislative Council State, and the Office of Legal Services, for review and comment.

Please direct any correspondence regarding this initiative to our resident addresses or e-mail addresses, listed below.

Thank you for your assistance.

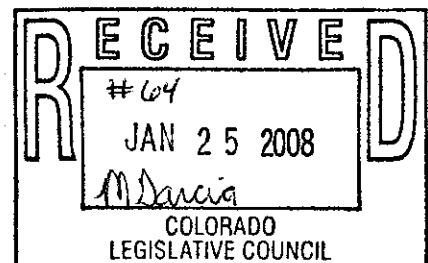
Sincerely,

Holly Tarry

Holly Tarry
40 W. Littleton Blvd
Suite 210 PMB #213
Littleton, CO 80120-2400
(720) 379-7520
E-mail: htarry@hsus.org

Lisa Shapiro
3035 Oneal Pkwy
Apt. V31
Boulder, CO 80301
(303) 449-9214.
Email: lisashapiro@juno.com

Encl: Initiative to add Article 57.9 (commencing with Section 35-57.9-101), Farm Animal Confinement



Initiative Statute

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

IN GENERAL.— Title 35 of the Agriculture Code is amended by adding to the end, the following Article 57.9 (commencing with Section 35-57.9-101), to read:

ARTICLE 57.9: FARM ANIMAL CONFINEMENT

SECTION 1.

35-57.9-101. Short title

This act shall be know and may be cited as the Prevention of Farm Animal Cruelty Act.

SECTION 2.

35-57.9-102. Legislative Declaration

The purpose of this Act, subject to exceptions and commencing as provided, is to prohibit the confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.

SECTION 3.

35-57.9-103. Definitions

As used in this article, the following terms have the following meanings:

- (1) “Calf raised for veal” means any calf of the bovine species kept for the purpose of producing the food product described as veal.
- (2) “Covered animal” means any pig during pregnancy, calf raised for veal, or egg-laying hen who is kept on a farm.
- (3) “Egg-laying hen” means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of egg production.
- (4) “Enclosure” means any cage, crate, or other structure (including what is commonly described as a “gestation crate” for pigs; a “veal crate” for calves; or a “battery cage” for egg-laying hens) used to confine a covered animal.
- (5) “Farm” means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial

production of animals or animal products used for food or fiber; and does not include live animal markets.

- (6) "Fully extending his or her limbs" means fully extending all limbs without touching the side of an enclosure, including, in the case of egg-laying hens, fully spreading both wings without touching the side of an enclosure or other egg-laying hens.
- (7) "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.
- (8) "Pig during pregnancy" means any pregnant pig of the porcine species kept for the primary purpose of breeding.
- (9) "Turning around freely" means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure

SECTION 4.

35-57.9-104. Farm animal confinement provisions

- (1) **PROHIBITIONS.**— Notwithstanding any other provision of law, a person shall not tether or confine any covered animal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:
 - (a) Lying down, standing up, and fully extending his or her limbs; and
 - (b) Turning around freely.
- (2) **EXCEPTIONS.**— This chapter shall not apply:
 - (a) During scientific or agricultural research.
 - (b) During examination, testing, individual treatment or operation for veterinary purposes.
 - (c) During transportation.
 - (d) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions.
 - (e) During the slaughter of a covered animal in accordance with the provisions of Article 33 (commencing with Section 35-33-101) of Title 35 of the Agricultural Code, relating to humane methods of slaughter, and other applicable laws and regulations.
 - (f) To a pig during the seven-day period prior to the pig's expected date of giving birth.

SECTION 5.

35-57.9-105. Penalties

Any person who violates the provisions of this article or any rule or regulation promulgated under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

SECTION 6.

35-57.9-106. Construction of Chapter

The provisions of this chapter are in addition to, and not in lieu of, any other laws protecting animal welfare. This chapter shall not be construed to limit any state law or regulations protecting the welfare of animals, nor shall anything in this chapter prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.

SECTION 7.

35-57.9-107. Severability

If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

SECTION 8.

35-57.9-108. Effective Date

Delaying the operative date of the provisions of this chapter shall allow relative period for persons and entities engaged in agricultural practices to modify their business practices to conform to the provisions of the chapter. The provisions of Sections 35-57.9-101, 35-57.9-102, 35-57.9-103, and 35-57.9-104, 35-57.9-105 shall become effective on the following dates:

- (a) on or before July 1, 2011 for enclosures used for veal calves;
- (b) on or before July 1, 2014 for enclosures used for egg-laying hens;
and
- (c) on or before July 1, 2017 for enclosures used for pigs during pregnancy.