

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0583.01 Jennifer Berman x3286

HOUSE BILL 13-1231

HOUSE SPONSORSHIP

Lebsock, Fischer, Ginal, Hullinghorst, Labuda, Lee, McCann, Melton, Primavera, Rosenthal

SENATE SPONSORSHIP

Jones, Carroll, Guzman, Todd

House Committees

Health, Insurance & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION AGAINST ROUTINE TAIL DOCKING OF
102 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.

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

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

4 **ARTICLE 50.7**

5 **Bovine Tail Docking**

6 **35-50.7-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "DAIRY CATTLE" MEANS A LIVING MEMBER OF THE BOVINE
9 SPECIES WHOSE PRIMARY USE IS OR WILL BE TO PRODUCE MILK.

10 (2) "DOCK" OR "DOCKING" MEANS TO CUT OR REMOVE A PORTION
11 OF THE BONE, NERVE, MUSCLE, OR TENDON OF AN ANIMAL'S TAIL.

12 (3) "PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION
13 2-4-401 (8), C.R.S.

14 (4) "THERAPEUTIC", AS APPLIED TO A TREATMENT OR PROCEDURE,
15 MEANS A TYPE OF TREATMENT OR PROCEDURE THAT A LICENSED
16 VETERINARIAN, AS DEFINED IN SECTION 12-64-103 (9), C.R.S., DEEMS
17 MEDICALLY NECESSARY TO TREAT A SICK OR INJURED ANIMAL. THE TERM
18 DOES NOT INCLUDE TREATMENT THAT IS MERELY PROPHYLACTIC IN
19 NATURE.

20 **35-50.7-102. Prohibitions - exceptions - penalty.** (1) A PERSON
21 SHALL NOT DOCK THE TAIL OF ANY DAIRY CATTLE OR CAUSE ANOTHER
22 PERSON TO DOCK THE TAIL OF ANY DAIRY CATTLE, UNLESS A LICENSED
23 VETERINARIAN PERFORMS THE PROCEDURE:

- 1 (a) FOR A THERAPEUTIC PURPOSE;
2 (b) USING SUITABLE INSTRUMENTS;
3 (c) UNDER HYGIENIC CONDITIONS;
4 (d) AFTER SUFFICIENTLY ANESTHETIZING THE ANIMAL TO MINIMIZE
5 ITS PAIN AND SUFFERING; AND
6 (e) IN A MANNER THAT MINIMIZES THE ANIMAL'S LONG-TERM PAIN
7 AND SUFFERING.

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

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

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

17 **35-50.7-103. Applicability.** THE PROVISIONS OF THIS ARTICLE ARE
18 IN ADDITION TO, AND NOT IN LIEU OF, OTHER LAWS PROTECTING ANIMAL
19 WELFARE. THIS SECTION NEITHER LIMITS OTHER STATE ANIMAL WELFARE
20 LAWS, OR THE RULES PROMULGATED UNDER THEM, NOR PREVENTS A
21 LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN
22 ANIMAL WELFARE LAWS AND REGULATIONS.

23 **SECTION 2. Act subject to petition - effective date.** This act
24 takes effect December 1, 2013; except that, if a referendum petition is
25 filed pursuant to section 1 (3) of article V of the state constitution against
26 this act or an item, section, or part of this act within the ninety-day period
27 after final adjournment of the general assembly, then the act, item,

1 section, or part will not take effect unless approved by the people at the
2 general election to be held in November 2014 and, in such case, will take
3 effect on the date of the official declaration of the vote thereon by the
4 governor.