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States' Animal Identification Statutes:

Colorado



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Colo. Rev. Stat. Tit. 35, Art. 43

Colo. Rev. Stat. Tit. 35, Art. 50

Colo. Rev. Stat. Tit. 35, Art. 55

Current through legislation effective June 2, 2024, of the Second Regular Session, 74th General Assembly (2024).

CRS § 35-43-101. Brands on livestock – evidence.

It is lawful to mark cattle and horses with the owner's brand. When animals are brought into this state from another state or a territory in transit from beyond the boundaries of this state, the brand, or a copy thereof, duly certified to by the proper officer in each state or territory, shall be received in evidence, with like force and effect as a brand duly recorded in this state.

CRS § 35-43-102. Branding – evidence of ownership – penalty.

Animals which are usually branded may be branded on either side with the owner's brand. No evidence of ownership by brands shall be permitted in any court in this state unless the brands are recorded as provided in section 35-43-105. Each drove of cattle or sheep which may be driven into or through any county of this state shall be plainly branded or marked with one uniform brand or mark. The cattle shall be so branded with the distinguishing ranch or road brand of the owner as to show distinctly in such places as the owner may adopt. Sheep shall be marked distinctly with such mark or device as may be sufficient to distinguish the same readily, should they become intermixed with other flocks of sheep owned in the state. Any such owner or person in charge of such drove being driven into or through the state who fails to comply with the provisions of this article shall be fined not less than fifty dollars nor more than three hundred dollars.

CRS § 35-43-103. Earmarks.

Any stock grower of this state may adopt and use an earmark. Such earmark shall be taken in evidence, in connection with the owner's recorded brand, in all suits at law or in equity in which the title to stock is involved. The earmark shall be made by cutting and shaping the ear of the animal so marked; but in no case shall the person so



marking an animal cut off more than one-half of the ear so marked; neither shall anyone mark by cutting an ear on both sides to a point.

CRS § 35-43-104. Brand distinctions – recording office.

No brand shall be used by more than one person, association, or corporation, nor shall any brand be recorded in this state elsewhere than in the office of the state board of stock inspection commissioners, except as provided in section 35-43-107.

CRS § 35-43-105. Fee to record brands – unlawful use – penalty.

(1) Any person, association, or corporation desiring to adopt a brand, not then being the recorded brand of another person, association, or corporation, shall forward to the state board of stock inspection commissioners a facsimile of the desired brand, together with a written application to adopt such brand, and shall accompany the same with a fee in an amount determined by the board by rule. Upon receipt of the facsimile and fee, the board shall record the brand, unless the brand stands of record as or is in conflict with that of some other person, association, or corporation, in which case the board shall not record the brand but shall return the facsimile to the forwarding party.

(2) It is unlawful for any person, association, or corporation to brand or cause to be branded any livestock with a brand which has not been recorded with the state board of stock inspection commissioners, as provided in subsection (1) of this section, or with a brand which has been previously recorded by another person, association, or corporation. When any owner of a recorded brand in use in this state moves his cattle, branded with his own brand, to a new and different range or locality in this state within which territory there is in use a conflicting or similar recorded brand, the state board of stock inspection commissioners may order such recorded brand owner so moving to a new range or locality to discontinue the use of his recorded brand in that locality; and the board, at its discretion, may cancel such brand ordered to be so discontinued.

(3) Any person, association, or corporation or any employee thereof who violates any of the provisions of subsection (2) of this section commits a class 2 misdemeanor.

CRS § 35-43-106. Certified copy of brand – fee.

Upon the recording of any brand, the owner thereof shall be entitled to one certified copy of the record of such brand from the state board of stock inspection commissioners, the certificate to be signed by the brand commissioner or the secretary of the board. Additional certified copies of said record may be obtained by anyone upon the payment of one dollar for each copy.



CRS § 35-43-107. Recording by county clerk and recorder.

It is unlawful for the county clerk and recorder of any county in this state to record any brand, unless previously recorded in the office of the state board of stock inspection commissioners.

CRS § 35-43-108. Brand book.

It is the duty of the state board of stock inspection commissioners, from time to time as it may be necessary, to cause to be published in book form a list of all brands on record at the time of such publication. The board, at its discretion, may cause to be issued a supplement to the brand book issued, containing the additional brands or changes in ownership of brands between the time of the last publication and the time of issuing such supplement, for the use of the department and its employees. Such brand book and supplements thereto shall contain a facsimile of every brand recorded, together with the owner's name and post-office address. Said records shall be arranged in convenient form for reference. Said books and supplements may be sold to the general public at approximate cost. The brand book and other publications circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136, C.R.S.

CRS § 35-43-109. Brands personal property – recording by board – rules – effect.

Any brand recorded shall be the property of the person, association, or corporation causing such record to be made and shall be subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing evidencing the sale of such brand, assignment, or transfer shall be recorded by the state board of stock inspection commissioners, and the fee for recording such sale, assignment, or transfer shall be in an amount determined by the board by rule. The recording of such instruments of writing shall have the same force and effect as to third parties as the recording of instruments affecting real estate, and a certified copy of the record of any such instrument may be introduced in evidence the same as is provided for the certified copies of instruments affecting real estate.

CRS § 35-43-110. Proof of ownership – evidence.

In all suits at law or in equity or in any criminal proceeding when the title to animals is involved or proper to be proved, the certified copy provided for in section 35-43-106 shall be prima facie evidence of the ownership of such animal by the person whose brand it may be. Proof of the right of any person, association, or corporation to use such brand shall be made by a copy of the record of same, certified to by the state board of stock inspection commissioners by its secretary or the brand commissioner.



CRS § 35-43-111. Earmarking sheep and hogs.

Any owner of sheep or hogs may use an earmark, tag, or brand to designate ownership of and title to the same, which shall be subject to the provisions of this article in respect to brands.

CRS § 35-43-112. Other animals – earmarks.

Owners of animals other than sheep or hogs in this state may use earmarks, and these earmarks shall be taken in evidence in connection with the owner's recorded brand in all suits at law or in equity or in any criminal proceedings when the title to such property is involved or proper to be proved.

CRS § 35-43-113. Publication of brands and transfers.

Upon the first of every month or as soon thereafter as possible, the state board of stock inspection commissioners shall cause to be exhibited in the office of the county clerk and recorder in all counties in the state and post, when permissible, in Colorado licensed livestock markets a list showing all the brands and transfers recorded for the previous calendar month. Said list shall show a facsimile of the brand, the name of the owner, and the owner's post-office address, county, and state. The list shall remain posted until the following month when the new list is posted. Complete brand records shall be kept on file for inspection by the public at the office of each county clerk and recorder, and also kept on file by all local brand inspectors. The list shall also be published in the official state livestock paper or publication required under section 35-44-109.

CRS § 35-43-114. Fees – disposition – report.

All fees and money collected by the state board of stock inspection commissioners shall be deposited in the brand inspection fund unless otherwise provided by law. The board shall prepare and transmit annually, in the form and manner prescribed by the heads of the principal departments pursuant to the provisions of section 24-1-136, C.R.S., a report accounting to the governor for the efficient discharge of all responsibilities assigned by law or directive to the board.

CRS § 35-43-115. Assessment of brands – rules.

(1)

(a) To revise and disencumber the brand records of unused brands and to provide revenues with which to publish new brand books and otherwise assist in the operational cost of the division of brand inspection, the state board of stock inspection commissioners has the authority to impose an assessment and, when applicable, a late fee in an amount determined by the board by rule on every brand recorded



in the office of the board on or before January 1, 2002, to cover the five-year period beginning on January 1, 2002, and ending on December 31, 2006, and like assessments covering every five years thereafter; except that, notwithstanding any other requirement of this section:

(I) The board may temporarily change the period of a brand's assessment to one, two, three, or four years so that approximately equal numbers of brands are subsequently assessed for five-year periods in each successive five-year period; and

(II) If the period of an assessment is changed pursuant to subparagraph (I) of this paragraph (a):

(A) The fee for the shortened assessment period shall be proportionately decreased; and

(B) The subsequent assessment period shall revert to five years.

(b) It is the duty of the board to notify every owner of a recorded brand of the assessment authorized by paragraph (a) of this subsection (1) through the United States mail by letter addressed to the owner at the owner's post-office address as given in the brand records. The assessment shall be due and payable within ninety days after January 1 of the assessment year. If any owner of a recorded brand fails or refuses to pay the assessment within the ninety days, the board may mail a second notice by certified mail and impose a late fee. If, within ninety days after the second mailing, any owner of a recorded brand fails or refuses to pay such assessment and late fee, the brand shall be canceled from the valid registry of livestock brands in the office of the board and may be reissued and recorded as a new brand after the expiration of three years from the date of such cancellation. The board shall give a receipt for any such payment.

(2) Repealed.

(3) As to any brand recorded prior to the beginning of any assessment period, the state board of stock inspection commissioners shall require one payment of all assessments for the entire five-year period. As to any brand recorded on or after the commencement of any assessment period, the state board of stock inspection commissioners shall make the assessment for the year or fractional part of the year in which the brand is recorded and for the remaining years within that five-year period and shall require one payment of all such assessments.



(4) All moneys collected by the state board of stock inspection commissioners from brand assessments shall be credited to a separate account within the brand inspection fund to be known as the brand assessment account. All moneys credited to such account and all interest earned on investments from moneys credited to such account shall be a part of the brand assessment account and shall be available for appropriation by the general assembly for purposes provided by law.

CRS § 35-43-115.5. Abandoned brands – procedure – sale – proceeds.

(1) Any brand that has been canceled for nonpayment of the assessment pursuant to section 35-43-115 (1) and that, as of June 30 of any assessment year, has remained unclaimed for at least five years since the date of cancellation shall be presumed abandoned, and all claims or interests in such brand shall be deemed forfeited.

(2) In accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S., the state board of stock inspection commissioners shall adopt rules governing the publication and sale of abandoned brands. Such rules shall include, without limitation, provisions for the publication of a notice of abandoned brands and procedures for the public sale of such brands.

(3) The purchaser of an abandoned brand at a public sale shall take all rights to the brand free and clear of all liens and encumbrances of the prior owner or of any other person. The state board of stock inspection commissioners shall provide all documents necessary to effectuate the transfer of ownership of the brand.

(4) The proceeds of the sale of an abandoned brand, net of expenses of the sale, shall be credited to the brand assessment account in the brand inspection fund.

CRS § 35-43-116. Wrongful branding – penalty.

If any person, association, or corporation willfully and knowingly brands, or causes to be branded, an animal which is the property of another with his or her brand or any brand which is not the recorded brand of the owner or willfully and knowingly effaces, defaces, or obliterates any brand or mark upon such an animal, such person or any officer or director of any such association or corporation commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

CRS § 35-43-117. Use of false brand – damages.

Any person who brands or marks, or causes to be branded or marked, any animal which is the property of another with his brand or any brand which is not the recorded brand of the owner or effaces, defaces, or obliterates any brand or mark upon any animal is guilty of theft and, upon conviction thereof, shall be



liable to the owner thereof for three times the value of the animal so branded or marked or upon which the brand or mark has been effaced, defaced, or obliterated. Payment of the forfeiture provided in this section shall not entitle the person so branding, effacing, defacing, or obliterating a brand to the property right in the animal so branded or upon which the brand was effaced, defaced, or obliterated, but such animal shall be surrendered to the proper owner.

CRS § 35-43-118. Maverick brand – branding penalty.

(1) All neat cattle and horses found running at large in this state without a mother and upon which there is neither mark nor brand shall be deemed a maverick and shall be sold to the highest bidder for cash at such time and place and under such rules and orders as the state board of stock inspection commissioners prescribes. Nothing in this section shall be construed to apply to domestic or blooded stock owned and kept in cities or towns or on private farms that may stray upon the open range, and all such animals that are claimed, identified, and proven may be reclaimed.

(2) Any person who marks, brands, or causes to be marked or branded, or in any way converts to the person's use any animal known and designated by law as a maverick, if not by law authorized to do so, or who knowingly allows such marking, branding, or conversion, as is prohibited by this section, to be done by the person's employee or agent in the person's behalf commits a class 2 misdemeanor.

CRS § 35-43-119. Stock mixed with drove – penalty.

When the stock of any resident intermixes with any drove of animals, it is the duty of any drovers or persons in charge to cut out and separate such stock from said drove immediately, except in case of sheep and horses, which shall be driven to the nearest suitable corral to be separated. Any person, either owner or drover, or otherwise connected with the management of such drove, who neglects to comply with the provisions of this section, shall be fined not more than five hundred dollars for every offense, and shall be liable to indictment for theft.

CRS § 35-43-120. Trespassing on lands – injuring resident – penalty.

(1) It is the duty of any person owning or having charge of any drove of cattle, horses, or sheep, who when driving the same into or through any county of Colorado of which the owner is not a resident or landowner and where the land in such county is occupied and improved by settlers and ranchers, to prevent the same from mixing with the cattle, horses, or sheep belonging to the actual settlers and also to prevent said drove of cattle, horses, or sheep from trespassing on such land as may be the property or in the possession of



the actual settler and used by him for the grazing of animals or the growing of hay or other crops or from doing injury to ditches.

(2) Any owner or person in charge of any such drove of stock who willfully injures any resident of the state by driving such drove of stock from the public highway and herding the same is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. The owner or person in charge of the drove so trespassing shall be liable for the damages done to the settler.

CRS § 35-43-121 & 122. [Repealed].

CRS § 35-43-123. Thoroughbred rams must be herded.

It is the duty of any owner or agent of any owner of thoroughbred rams of any description to herd them or keep them enclosed. Any owner or agent who refuses to comply with the provisions of this section commits a civil infraction.

CRS § 35-43-124. Fines paid into school fund.

Any fines arising from a violation of section 35-43-123 shall be paid into the school fund of the county in which such violation occurs.

CRS § 35-43-125. No hogs to run at large.

No hog or swine shall be permitted to run at large, and the owner of any hog or swine trespassing on the property of any person is liable in treble the damages occasioned by such trespass and a fine of not less than five dollars nor more than ten dollars for each offense.

CRS § 35-43-126. Dog worrying stock.

Any dog found running, worrying, or injuring sheep, cattle, or other livestock may be killed, and the owner or harbinger of such dog shall be liable for all damages done by it.

CRS § 35-43-127. Skinning carcass without right.

Any person who skins or removes from the carcass any part of the skin, hide, or pelt of any cattle or sheep without permission from the owner is guilty of theft and, upon conviction thereof, shall be punished in the manner provided by law for the punishment of theft. Nothing in this section shall be deemed to prevent the skinning of animals killed by railroad companies by the employees of any railroad company by which such stock may have been killed.

CRS § 35-43-128. Theft of certain animals – penalty.



Any person who commits theft of, or knowingly kills, sells, drives, leads, transports, or rides away, or in any manner deprives the owner of the immediate possession of any cattle, horses, mules, sheep, goats, swine, or asses, either live or slaughtered, or any portion of the slaughtered carcass thereof, or any person who commits theft of, or knowingly kills, sells, drives, leads, transports, or rides away, or in any manner applies to the person's own use any cattle, horses, mules, goats, sheep, asses, or swine, either live or slaughtered, or any portion of the slaughtered carcass thereof, the owner of which is unknown, or any person who knowingly purchases from anyone not having the lawful right to sell and dispose of the same any cattle, horses, mules, sheep, goats, swine, or asses, either live or slaughtered, or any portion of the slaughtered carcass thereof, commits a class 4 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

CRS § 35-43-129. Branding of calves required – exceptions.

(1) It is unlawful for any person, company, or corporation to sell, offer for sale, slaughter, or move, either within the state or to a destination outside of Colorado, any calf under weaning age that is not branded with a Colorado recorded brand of the owner of the mother cow. A brand upon any calf shall be past the peeling state at the time that a calf is sold, offered for sale, slaughtered, or moved, except in the following cases:

(a) When the calf is accompanied by its branded ownership-proven mother;

(b) When the calf is accompanied by a current brand certificate issued by a duly authorized Colorado brand inspector after inspection at a time when such calf is with its branded ownership-proven mother;

(c) When the calf is a registered purebred breed or pure dairy breed, but this exception shall not apply to a crossbred calf.

(2) Any person, company, or corporation whose principal operation consists of feeding cattle for slaughter or operating a dairy may apply to the state board of stock inspection commissioners for a permit authorizing such person, company, or corporation to sell or offer for sale a calf under ten days old, which was born at the dairy or in the feed lot, without meeting the requirements of subsection (1) of this section. Such application shall be accompanied by a description of the operation. Upon determining that the applicant is qualified, the board shall issue a numbered permit to the applicant. Any calf under ten days old which is sold or offered for sale shall have affixed an eartag, supplied by the board, which bears the applicant's permit number. A calf sold under the provisions of this subsection (2) shall be accompanied by a duly executed



bill of sale containing the owner's permit number and signed by the dairy owner or the feed lot owner.

(3) If a Colorado brand inspector is called to inspect an unbranded or freshly branded calf with its mother, any mileage expense shall be paid by the owner in addition to any brand inspection fee.

(4) Any person, company, or corporation who violates any of the provisions of this section commits a class 2 misdemeanor.

(5) Unbranded calves subject to this article, when found by brand inspectors at public livestock markets or at shipping points, shall be handled as estrays or questionable ownership livestock according to sections 35-43-118 and 35-53-107.

CRS § 35-43-130. Cattle in feedlots.

(1) A Colorado brand inspector shall inspect all cattle entering a Colorado custom feedlot for feeding under a custom contract if the cattle are not accompanied by a brand certificate or valid documentation of purchase listing all brands, or no brands. In addition, all cattle entering Colorado for grazing purposes under a leased grazing agreement, owned by a nonresident, shall also be inspected by a duly authorized Colorado brand inspector. The brand inspector shall issue a certificate of inspection to the proven owner and a copy of such certificate to the custom feedlot operator or ranch manager after ownership is established and before the cattle are mixed with any other cattle or turned loose for grazing. Upon completion of the inspection, said inspector shall collect an inspection fee in the amount prescribed by the state board of stock inspection commissioners pursuant to section 35-41-104. If the cattle are carrying more than two consistent brands, the owner shall mark or brand all of his cattle with the same brand, with one of the two existing brands, with a brand of valid registry of the owner, with an ear tag specifically identifying each animal to a specific feedlot, or otherwise identify the cattle as prescribed by the board. Evidence of this brand or permanent mark shall be shown on the certificate of inspection in addition to brands or no brands found on the inspected cattle for future reference of valid proven ownership. When ear tags are utilized, each ear tag shall be legible and at least one inch in height and two inches in width.

(2) Any lessee, lessor, commercial feedlot owner, or established livestock owner who violates any of the provisions of this section commits a petty offense and shall be punished as provided in section 18-1.3-503.

CRS § 35-43-201. Definitions.



As used in this part 2, unless the context otherwise requires:

- (1) "Board" means the state board of stock inspection commissioners, created in section 35-41-101.
- (2) "Department" means the Colorado department of agriculture, created in section 24-1-123, C.R.S.
- (3) "Livestock" means all cattle, calves, horses, mules, and donkeys.

CRS § 35-43-202. Brand inspections – custom processing houses – packing plants – feedlots – acceptable forms of evidence – rules.

(1) The board may, during regular business hours, inspect the records, brands, bills of sale, hides, horns, and other items related to proving ownership of or ascertaining the identity of slaughtered livestock at any custom processing house or packing plant licensed by the department or by the United States department of agriculture.

(2) Pursuant to its authority under section 35-41-101(3), the board may adopt rules in furtherance of this part 2, including rules governing record keeping, contact information, the contents of bills of sale and other records of transfers of livestock or carcasses, the mixing of inspected and uninspected livestock, hide retention, hide exhibition, and brand inspection.

(3) No person shall slaughter any livestock purchased in Colorado that have not been inspected for brands by an authorized Colorado brand inspector immediately prior to slaughter.

CRS § 35-43-203. Requirements for slaughterer business.

(1) Every person carrying on the trade or business of a slaughterer of livestock in this state:

- (a) Shall maintain an established place of business;
- (b) Shall not slaughter livestock on the open range;
- (c) Shall require from all sellers of livestock a bill of sale that gives a complete description of each animal so sold and purchased including marks, brands, age, weight, name of person from whom it was purchased or otherwise acquired, date, and place of purchase or acquisition;
- (d) Shall keep a true record of all livestock purchased or slaughtered, and of any carcass or part of a carcass purchased, in one or more special books kept for such purposes. Such records shall include a



complete description of each such animal or carcass, including the approximate age and weight, breed and color, fire brands, earmarks, and any other identifying characteristics and the date of purchase and from whom such animal, carcass, or part of carcass was purchased.

(e) Shall keep the hide and horns of each animal slaughtered for inspection for a period of thirty days after it is slaughtered except when written permission for sale or destruction of the same is given by a regular or special brand inspector prior to expiration of said period. A certified copy of the bill of sale shall accompany the hide when it is offered for sale.

(f) Shall require any person from whom he or she purchases the carcass or any part thereof, not inspected by a state brand inspector immediately prior to slaughter, to exhibit the hide as provided in section 35-43-207;

(g) Shall not receive any carcass or part of a carcass for storage unless each hide has been inspected and all meat stamped, if required, by the brand commissioner. This paragraph (g) shall not apply to any person who slaughters livestock that are officially inspected by the state brand inspector immediately prior to slaughter.

(h) Shall not mix any cattle that are uninspected for brands by an authorized Colorado brand inspector with any livestock that have been inspected by a Colorado brand inspector just prior to slaughter.

CRS § 35-43-204. Investigations.

The board may investigate possible violations of this part 2 on the basis of a complaint or when the board has other reasonable grounds to believe that any person has violated any such provision.

CRS § 35-43-205. Exemption – limitation.

Every person carrying on the trade or business of a slaughterer of livestock in this state who is exempt from section 35-43-203(1)(g) shall not slaughter any livestock purchased in Colorado that have not been inspected for brands by an authorized Colorado brand inspector immediately prior to slaughter.

CRS § 35-43-206. Records – hides – open to public view.

The record provided for in section 35-43-203(1)(d) and also the hide shall be open to the inspection of all persons for a period of thirty days, and it is unlawful for any slaughterer to refuse to permit such inspection or examination.



CRS § 35-43-207. Sales by persons other than slaughterers – requirements.

It is unlawful for any person to sell or offer for sale or to possess, except as specifically provided in this article or in article 33 of this title, a carcass of livestock or any portion of such carcass without first exhibiting the hide intact and exposing the brand upon the hide, if any, to the purchaser. It is the duty of any such person selling or offering for sale any such carcass of livestock to preserve the hide of the same for a period of thirty days, unless the hide from such a carcass of livestock has been previously inspected and released by a duly authorized Colorado brand inspector, and to exhibit the same for inspection upon demand of any person.

CRS § 35-43-208. Person killing for own use.

Unless the hide has been previously inspected and released by a duly authorized Colorado brand inspector, it is unlawful for any person to possess or to kill livestock to obtain any part of the animal for his or her own use without preserving the hide of such animal intact with a complete unskinned tail attached thereto for a period of not less than thirty days, during which period the hide shall be presented upon the demand of any person.

CRS § 35-43-209. When hides admitted as evidence.

If a hide is subsequently produced by or on behalf of a person who has butchered any livestock alleged to have been stolen and is claimed to be the hide of the animal killed, the hide shall be exhibited as soon as possible for inspection to the sheriff of the county in which the animal was butchered. No such hide shall be admitted in evidence nor shall evidence to identify such hide with the animal alleged to be stolen be received until the prosecution is given such reasonable opportunity as may be fixed by court to examine the hide and compare it with the meat.

CRS § 35-43-210. Inspection of hide.

The sheriff or deputy sheriff of any county in this state and any regular or special brand inspector appointed by the board are hereby authorized and empowered to require any person who kills for his or her own use and consumption any livestock to produce for inspection the hide of any such livestock that has been killed within thirty days unless the livestock has been inspected and tagged prior to such demand for inspection. In the absence of the owner or proper corporate officer, the person in charge of the premises where the meat then is shall produce the hide for inspection upon demand.

CRS § 35-43-211. Grounds for search warrant.

If a person who, within thirty days, has killed any livestock or, in that person's absence, the person in charge of the premises where the livestock was killed



fails or refuses to produce the hide of the livestock, any sheriff, deputy, or regular brand inspector may seize and take possession of the meat of such livestock and hold the meat until the hide is produced and, before or after the seizure of the meat, may seek a search warrant for the theft of livestock and the meat thereof as the property of an unknown owner. The failure to produce such hide upon demand shall be sufficient grounds upon which to base the affidavit for the search warrant, and the procedure on complaint for a search warrant shall be as provided in part 3 of article 3 of title 16, C.R.S.

CRS § 35-43-212. Violations – penalties.

- (1) Except as otherwise provided in this part 2, any person violating this part 2 commits a petty offense and shall be punished as provided in section 18-1.3-503.
- (2) Except as otherwise provided in this part 2, any person that violates this part 2 within three years after a previous violation of this part 2 by that same person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501.
- (3) A person who unlawfully butchers an animal belonging to another person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501.

CRS § 35-43-213. Brand inspection – certificate – evidence.

- (1) Any livestock purchased for slaughter in Colorado from any source shall be inspected for brands and other identifying marks and a certificate issued by a brand inspector at the point of origin. Until the time of such inspection and certification, the person purchasing livestock shall hold the uninspected livestock separately and shall be responsible for the value of the livestock and the brand inspection fee until inspected and a certificate issued by a Colorado brand inspector.
- (2) The only evidence of inspection at point of origin acceptable under this section shall be either the brand certificate issued and signed by the brand inspector who made the inspection or a current account of sale, showing the brands or other identifying characteristics carried by the livestock and issued by a custom meat processor licensed by the department or a packing plant licensed by the United States department of agriculture. Livestock purchased by private contract in states where brand inspection is not maintained shall be accompanied by a bill of sale showing brands and other identifying characteristics signed by the seller or the seller's agent and witnessed by the buyer or the buyer's agent.



(3) Cattle fed by packers, either in their individual feed lots or in commercial feed lots, are subject to this article.

CRS § 35-50-101. Short title.

This article shall be known and may be cited as the "Livestock Health Act".

CRS § 35-50-102. Legislative declaration.

The general assembly finds and declares that the diagnosis, control, and eradication of livestock diseases are matters of statewide concern. Livestock disease control is essential to the livestock industry and the health of the economy of the state of Colorado. The provisions of this article are enacted to protect the public health, safety, and welfare.

CRS § 35-50-103. Definitions.

As used in this article, unless the context otherwise requires:

- (1) "Accredited veterinarian" means a veterinarian approved by the United States department of agriculture in accordance with 9 CFR 161, as may be amended from time to time.
- (2) "Commission" means the state agricultural commission.
- (3) "Commissioner" means the commissioner of agriculture.
- (4) "Department" means the department of agriculture.
- (5) "Hold" means a temporary order issued by the state veterinarian when an infectious or contagious disease is suspected in livestock to isolate any specific livestock, premises, county, district, or section of the state; restrict the movement of livestock; and specify sanitary measures, pending completion of testing.
- (6) "Infectious or contagious disease" means a reportable or emerging disease of livestock that poses a significant risk to the livestock industry of the state resulting from infectious agents, such as viruses, rickettsia, bacteria, fungi, protozoa, internal or external parasites, or prions, or any reportable or emerging communicable disease that is capable of being transmitted from one animal to another animal or to a human, whether communicated directly or indirectly through an intermediate plant or livestock host, a vector, or the environment.
- (7) "Livestock" means cattle, sheep, goats, bison, swine, mules, poultry, horses, alternative livestock as defined in section 35-41.5-102 (1), and all other domesticated animals raised or kept for profit.



(8) "New or emerging disease" means an emerging livestock disease defined as a newly identified pathogen or strain of pathogen, a known pathogen in a new location, or a new presentation of a known pathogen.

(9) "Owner" means the person or entity owning the livestock or property and the owner's officers, members, employees, agents, attorneys, and representatives.

(10) "Quarantine" means an order issued by the commissioner when testing has confirmed the presence of an infectious or contagious disease in livestock, which order isolates specific livestock, premises, counties, districts, or sections of the state; restricts the movement of livestock; and specifies sanitary measures.

(11) "Reportable disease" means an infectious or contagious disease specified by rule as reportable to the state veterinarian.

(12) "State veterinarian" means the state veterinarian of the Colorado department of agriculture or his or her authorized representative.

(13) "Test" or "testing" means or applies to the diagnostic test or any other method approved by the state veterinarian for detecting infectious or contagious diseases in livestock.

CRS § 35-50-104. State veterinarian and authorized representatives.

(1) Subject to section 13 of article XII of the state constitution, the commissioner is authorized to employ a licensed doctor of veterinary medicine as state veterinarian, who will be an authorized representative of the department.

(2) The commissioner may employ, as assistants and authorized representatives, accredited veterinarians who are licensed to practice in Colorado as may be necessary to assist the state veterinarian in carrying out the duties and functions set forth in this article.

(3) The commissioner may commission graduate veterinarians located in various portions of the state, to be known as commissioned state veterinarians. Such commissioned state veterinarians may be called upon by the state veterinarian to perform such special duties in all hazards arising from any livestock emergencies as may be assigned to them, and they shall report to the state veterinarian. Commissioned state veterinarians shall perform only such special duties as may be assigned to them. Such commissioned state veterinarians shall hold their commissions at the pleasure of the commissioner and may be removed at any time.



(4) The commissioner may appoint or employ competent persons to perform duties as assigned by the state veterinarian for disease control or livestock emergencies.

(5) The department shall administer an infectious or contagious disease surveillance, control, and eradication program and shall supervise or be responsible for the supervision of all personnel engaged in any county or area infectious or contagious disease control program. The service of personnel commissioned or appointed pursuant to subsections (3) and (4) of this section shall be paid for by the livestock owner unless specifically provided for by local, state, or federal funding.

(6) All persons utilized by the commissioner, the department, and the state veterinarian pursuant to this section, whether employed or volunteer, shall be deemed employees of the department for purposes of article 10 of title 24, C.R.S.

CRS § 35-50-105. Powers and duties of the commissioner.

(1) The commissioner is responsible for regulation related to livestock disease or other livestock emergencies among or affecting livestock in the state.

(2) The commissioner is authorized to administer and enforce the provisions of, and any rules adopted pursuant to, this article.

(3) The commissioner may adopt, subject to the commission's approval, all reasonable rules for the administration and enforcement of this article including, but not limited to:

(a) A designation of livestock diseases to be diagnosed, controlled, or eradicated;

(b) A designation of livestock diseases to be reported to the state veterinarian;

(c) The health standards for importation of livestock into the state;

(d) The standards and requirements for livestock health certificates;

(e) The standards and requirements for pet animal health certificates, as such certificates may be required pursuant to section 35-50-112 (2);

(f) The standards and requirements for testing livestock for infectious or contagious diseases;

(g) The standards and requirements for vaccinating livestock against infectious or contagious diseases;



- (h) The standards and requirements for surveillance, testing, or implementation of disease control or other sanitary measures to prevent the spread of infectious or contagious livestock diseases;
- (i) The standards and requirements for the disinfection of premises to prevent the spread of infectious or contagious livestock diseases;
- (j) The standards and requirements for identification and traceability of livestock;
- (k) The standards and requirements for euthanasia of livestock to prevent the spread of infectious or contagious livestock diseases;
- (l) The standards and requirements for disposal of livestock carcasses;
- (m) The standards and requirements in preparation for, response to, or recovery from livestock disease or disaster;
- (n) The form and manner of disease reporting, as required by section 35-50-108;
- (o) Establishment of state emergency preparedness plans related to livestock health;
- (p) The standards and requirements for prevention of diseases in livestock; and
- (q) Livestock disease prevention by the state veterinarian.

(4) The commissioner may conduct hearings required under sections 35-50-117 and 35-50-118 pursuant to article 4 of title 24, C.R.S., and may use administrative law judges to conduct such hearings when their use would result in a net saving of costs to the department.

(5) The commissioner may hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the exercise and performance of the powers and duties of the commissioner. Upon failure or refusal of a witness to obey any subpoena, the commissioner may petition the district court, and, upon proper showing, the court may order a witness to appear and testify or produce documentary evidence. Failure to obey the order of the court shall be punishable as contempt of court.

(6) The commissioner may enter into cooperative agreements with any agency or political subdivision of this state or any other state or with any agency of the United States government for the purpose of carrying out the provisions of this article, receiving grants-in-aid, and securing uniformity of rules and regulations. This cooperative agreement may extend to the testing,



condemnation, appraising, paying of indemnities, and other like purposes regarding animal disease control, as the commissioner and appropriate division of the United States department of agriculture may agree upon. When such agreement is effected, the veterinary inspectors of such division, working in cooperation with the commission, have the same power to enforce the provisions of this article as an assistant or commissioned state veterinarian. The legal authorities of any county or municipality in which the state or federal authorities take up the work of infectious or contagious disease control or eradication may appropriate, for aiding in such work, such sums as such authorities may deem adequate and necessary.

(7) The commissioner, alone or in cooperation with other agencies of the state or the federal government, may disseminate information by publication or undertake other educational efforts pertaining to livestock disease diagnosis, control, or eradication and livestock emergency preparedness.

(8) The powers and duties vested in the commissioner by this article may be delegated to qualified employees of the department.

CRS § 35-50-106. Veterinary vaccine and service fund – expenditures – rules.

(1) The commissioner may promulgate such rules as are necessary to establish a fund into which the proceeds from the sale of supplies and services shall be deposited. The proceeds from this fund are specifically and continuously appropriated for personnel necessary to carry out the provisions of this article, the purchase of supplies and such other laboratory expenses, and incidental expenses, including travel directly incidental to the infectious or contagious disease control and eradication program, as may be determined by the commissioner.

(2) The moneys in the veterinary vaccine and service fund shall not be transferred or revert to the general fund or to any other fund.

CRS § 35-50-107. Disease detection and prevention.

Whenever the commissioner reasonably suspects that livestock are in or from an area of concentration or point of distribution where there is a potential for the spread of disease or that the livestock may have been exposed to or are suffering from an infectious or contagious disease, the commissioner may, as a sanitary measure, conduct surveillance or otherwise inspect the suspected livestock.

CRS § 35-50-108. Mandatory reporting.

(1) Any person who knows or has reason to believe that any livestock that belongs to or is in the possession of such person, or any livestock upon



such person's premises, has a reportable disease shall immediately report such disease to the state veterinarian.

(2) Whenever any veterinarian licensed in this state suspects a reportable disease in livestock of the state, such veterinarian shall immediately report such findings to the state veterinarian.

(3) Every licensed, accredited veterinarian making tests upon livestock for tuberculosis in this state, immediately after the tests are concluded, shall report the result of the tests of all such livestock tested to the state veterinarian.

(4) Diagnostic laboratories located within the state shall report all positive results of testing for reportable diseases.

(5) Every veterinarian licensed in this state shall report all positive results of any testing for reportable diseases.

(6) Any veterinarian who or diagnostic laboratory that reports, in good faith and in the normal course of business, disease test results pursuant to this section shall be immune from liability in any civil or criminal action brought against such veterinarian or diagnostic laboratory for reporting.

CRS § 35-50-109. Inspection and testing.

(1) Whenever it becomes known to the commissioner that an infectious or contagious disease exists among livestock of the state, the commissioner may inspect all livestock in the state.

(2) Whenever it becomes known to the commissioner that an infectious or contagious disease exists among livestock of the state, the commissioner may compel the testing of all livestock in the state.

(3) Any owner whose livestock are suspected, after epidemiological investigation, of having an infectious or contagious disease shall, upon order of the commissioner, assemble such livestock and provide the necessary facilities for inspection and collection of such samples as may be deemed necessary to conduct tests of such livestock for the infectious or contagious disease, and shall render such assistance as required.

(4) All samples drawn in testing for an infectious or contagious disease shall be forwarded to the department's animal health laboratory or any other laboratory approved by the state veterinarian for testing.

(5) Whenever any livestock are tested, the livestock shall be individually identified, as specified by the commissioner. Official identification shall not be removed from such livestock or altered in any fashion.



(6) The owner of livestock ordered tested or treated shall be responsible for the costs of all testing or treatment, unless specifically provided for by local, state, or federal funding.

(7) If the owner of livestock ordered treated or tested, after reasonable notice as determined by the commissioner, fails to dip, spray, test, or otherwise treat such livestock as ordered by the commissioner, the commissioner may seize, or cause to be seized, dipped, sprayed, tested, or otherwise treated, such livestock and hold and sell the same, or such part of the livestock as may be necessary, to pay all costs of the inspection, seizing, caring for, dipping, spraying, testing, or other treatment, together with cost of sale. Such sale shall be made at such time and place, and in such manner, as may be prescribed by the commissioner after not less than three days' nor more than fifteen days' notice of the time, place, and purposes of such sale has been given by the commissioner to the owner of the livestock and to each secured party holding a security interest in the subject livestock, which appears in the list of effective filings as maintained by the central filing officer pursuant to the "Central Filing of Effective Financing Statement Act", article 9.5 of title 4, C.R.S. If personal service of such notice cannot be had within the county in which the livestock are being held by the commissioner, such notice may be given either by personal service outside of such county or by advertisement in the official state livestock paper. The owner of livestock so seized and held, or any secured party holding a security interest in such livestock, which appears in the list of effective filings as maintained by the central filing officer pursuant to the "Central Filing of Effective Financing Statement Act", article 9.5 of title 4, C.R.S., at any time prior to such sale, may recover possession of the livestock upon payment to the commissioner of the amount of the costs incurred by order of the commissioner against such livestock. Any sum realized from the sale of such livestock over and above the amount of the costs actually incurred against such livestock shall be returned by the commissioner to the owner of such livestock if the owner is known or can by reasonable diligence be found. Otherwise, such surplus shall be placed in the estray fund, subject to the law in effect regarding such fund.

(8) Whenever the state veterinarian finds indications of any infectious or contagious disease among any livestock in this state and the state veterinarian is unable to determine positively the exact nature of such disease, the state veterinarian may order one of the animals so suspected slaughtered in order that a post mortem examination may be made to determine the character of the disease.

(9) Whenever the state veterinarian has good reason to believe that any disease so investigated is contagious or infectious and that such livestock are likely to communicate the disease to other livestock, the state



veterinarian may at once establish a hold over such livestock and premises and may take such steps as may be deemed necessary to prevent the spread of such contagion or infection. Such hold shall be legal and binding in the same manner as a quarantine established pursuant to section 35-50-111, and any violation of such hold or order of the state veterinarian shall be considered an unlawful act pursuant to section 35-50-116.

(10) Whenever in the opinion of the state veterinarian there exists within this state a livestock disease that he or she is unable to diagnose or identify, the commissioner may call upon the veterinary department of Colorado state university to cause scientific investigation to be made to determine the exact character of such disease. Colorado state university may charge the actual and necessary direct expense of laboratory and diagnostic procedures connected therewith.

CRS § 35-50-109.5. Investigations – access – administrative subpoena.

(1) The commissioner may investigate as necessary to ensure compliance with this article 50.

(2)

(a) At any reasonable time during regular business hours, upon consent or upon obtaining an administrative search warrant, the commissioner shall have access to all buildings, yards, pens, pastures, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out this article 50 or any rule promulgated pursuant to this article 50.

(b)

(I) The commissioner is authorized to:

(A) Administer oaths and take statements;

(B) Issue administrative subpoenas requiring the attendance of witnesses and the production of all books, memoranda, papers, and other documents, articles, or instruments; and

(C) Compel the disclosure by witnesses of all facts known to them that are relevant to the matters under investigation.

(II) Upon the failure or refusal of any witness to obey any subpoena, the commissioner may petition the district court to compel, and, upon a proper showing, the court may enter an order compelling, the witness to appear and testify or to



produce documentary evidence. Failure to obey such an order of the court is punishable as a contempt of court.

(3) Complaints of record made to the commissioner and the results of the commissioner's investigations may, in the discretion of the commissioner, be closed to public inspection during the investigatory period, except as provided by court order.

CRS § 35-50-110. State livestock disease diagnostic laboratories.

The animal health laboratory in the department and the Colorado state university veterinary diagnostic laboratories, collectively known as the state livestock disease diagnostic laboratories, shall function to provide disease testing to support the department's livestock disease programs. The laboratories shall be scaled to provide testing of such volume as to meet the potential disease control, protection, and surveillance needs of the livestock industry of the state.

CRS § 35-50-111. Quarantine.

(1) Whenever the commissioner deems it necessary to quarantine any specific livestock, premises, county, district, or section of the state for the purpose of preventing the spread of an infectious or contagious disease among the livestock within the state, the commissioner may, through the state veterinarian, call on all sheriffs or other peace officers of any county within the state to assist in maintaining such quarantine and to arrest anyone who may violate such quarantine or any rules made by the commissioner for the purpose of maintaining such quarantine. It is the duty of all sheriffs or other peace officers to act in such cases when so called upon, and they shall be allowed such recompense as is provided by statute for similar services.

(2) The commissioner may place a hold upon any specific livestock, premises, county, district, or section of the state for the purpose of preventing the spread of an infectious or contagious disease when clinical signs and symptoms suggest the presence of the disease and laboratory confirmation is pending.

(3) Once testing has confirmed the presence of an infectious or contagious disease, the commissioner may quarantine any specific livestock, premises, county, district, or section of the state for the purpose of preventing the spread of any infectious or contagious disease within the state.

(4) Whenever the commissioner finds it necessary to quarantine any livestock, ranch, farm, premises, or portion of this state because of an infectious or contagious disease, the commissioner may hold in quarantine such ranch, farm, premises, or part of this state as the commissioner may deem necessary after all livestock have been removed therefrom, until such



time as in the judgment of the state veterinarian there is no further risk of exposing livestock to disease by permitting them to inhabit such quarantined area.

(5) Held or quarantined livestock shall be treated, fed, and cared for at the expense of the owner. All expenses of a hold or quarantine shall be borne by the owner of the livestock so held or quarantined and shall constitute a lien on such livestock.

CRS § 35-50-112. Importation of livestock – pet animal health certificates.

(1) It is unlawful for any person, firm, or corporation to ship or drive into Colorado any livestock unless such livestock are accompanied by an official health certificate, except as may be set forth in rules promulgated by the commissioner. Such health certificate shall be in the form and manner as prescribed by the commissioner. No livestock known to be affected with, or exposed to, any infectious or contagious disease may be imported into Colorado except as authorized by rule. Livestock shall also meet all federal interstate requirements.

(2) The commissioner may promulgate rules creating and requiring pet animal health certificates. For the purposes of this section, "pet animal" means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any other species of wild, domestic, or hybrid animal kept as a household pet, except livestock as defined in section 35-50-103(7).

CRS § 35-50-113. Condemnation of livestock.

(1) Whenever the state veterinarian reports to the commission that there exists an outbreak of contagious or infectious disease among livestock of this state of such a character as to endanger and imperil the livestock of the state, the commission, upon approval of the governor, may issue an order of condemnation to condemn and destroy any livestock so infected or any livestock that has been exposed to or is deemed by the commission capable of communicating such contagious or infectious disease to other livestock and to condemn and destroy any barns, sheds, corrals, pens, or other property that the commission may determine is necessary to be destroyed in order to prevent the spread of such contagion or infection. Such condemnation and destruction shall take place only when in the opinion of the commission and the governor an emergency exists and such action is justified and necessary for the safety and protection of the livestock of this state.

(2) Whenever the commission finds it necessary to condemn and destroy any animals or property within this state because of any contagious or



infectious disease, the animals or property shall not be destroyed until after a fair appraisal has been made of the value of the animals or property by two appraisers, one to be appointed by the commissioner and one by the owner of the property to be destroyed. The appraisers shall each make a report to the commission under oath as to their appraisals, and the commission shall forward such appraisals to the governor with such recommendation as to the proportion of such appraisal to be considered a just bill against the state of Colorado as the commission may think right. Within ninety days after receiving the appraisals and recommendation, the governor shall determine the appropriate appraisal. If the governor fails to make a determination within ninety days after receiving the appraisals and recommendation, the commission's recommended appraisal will become the determined appraisal.

(3) Any dispute or protest regarding the appraisal shall not delay destruction of the animals or property.

CRS § 35-50-114. Indemnification of livestock owners.

(1) To meet the emergency caused by any outbreak of contagious or infectious disease, the governor may cause to be issued the state's certificate of indebtedness with which to indemnify owners of property destroyed to pay the necessary costs and expense of exterminating and eradicating such contagion or infection. This section shall not apply to the diseases for which federal indemnity is paid to the owners. In the case of a disease for which federal indemnity is paid, combined state and federal indemnity shall not exceed actual appraised value when an appraisal is required.

(2) The commissioner, upon the recommendation of the state veterinarian, may authorize the payment of indemnity to any livestock owner whose herd, pursuant to written agreement with the state veterinarian, is sold for slaughter or destroyed because it is exposed to or diagnosed with an infectious or contagious disease; except that such indemnification, when combined with any other moneys received by the owner for the livestock, shall not exceed ninety percent of the market value for animals of comparable grade and of the same or similar type. Notwithstanding any provision of this section to the contrary, indemnity shall not be paid for brucellosis reactor livestock.

(3) There is hereby created in the state treasury the diseased livestock indemnity fund. The unexpended and unencumbered balance of moneys appropriated by the general assembly for payments for the services of commissioned or appointed personnel pursuant to section 35-50-104 shall be credited to the diseased livestock indemnity fund, upon approval of the commissioner, at the end of each fiscal year. The moneys in the fund are



continuously appropriated for the purpose of making payments as provided in this section.

(4) No indemnity shall be paid when:

- (a) The livestock are owned by the United States or a state, county, municipality, or other government entity;
- (b) The livestock were brought into the state contrary to this article, the rules of the commissioner, or an order of the commissioner;
- (c) The livestock were found to be diseased upon arrival in the state or were exposed to the disease prior to their arrival;
- (d) The livestock were previously affected by any other disease that by its nature and development was incurable and necessarily fatal;
- (e) The livestock were purchased at the time of a quarantine or purchased when due diligence and caution would have shown the livestock to be diseased;
- (f) The owner of the livestock willfully exposed the livestock to the disease;
- (g) The owner knew the livestock to be diseased or had notice of the disease at the time the livestock came into the owner's possession;
- (h) The owner or the owner's agent has not used reasonable diligence to prevent disease or exposure to disease;
- (i) The owner or the owner's agent has not complied with this article, the rules adopted by the commissioner, or an order issued by the commissioner;
- (j) The destruction order was not complied with within the specified time period; or
- (k) The owner attempted to unlawfully or improperly obtain indemnity funds.

CRS § 35-50-115. Cervidae disease revolving fund – creation.

(1)

(a) The commission may levy an assessment on the owners of alternative livestock cervidae or captive wildlife cervidae, which shall be transmitted to the state treasurer, who shall credit the same to the cervidae disease revolving fund, which fund is hereby created. The



commission shall determine the assessment. The assessment must be in an amount, not to exceed eight dollars per head of cervidae per year, reflecting the direct and indirect expenses of carrying out the purposes of this section. The commission shall administer the fund, which must be maintained at a level of no more than two hundred thousand dollars. Administration of the fund includes setting a minimum reserve level for the fund. The commission shall not levy or collect an assessment on cervidae owned by a zoological park that is accredited by the American zoo and aquarium association. A zoological park that does not pay into the fund is not eligible for indemnification pursuant to this section.

(b) If the fund reaches a level of two hundred thousand dollars or more, the commission shall cease making any assessments until such time as the level of the fund falls below two hundred thousand dollars and the commission determines that a levy is necessary.

(2)

(a) The moneys in the fund may be used to indemnify owners of cervidae destroyed for the control of contagious and infectious diseases.

(b) Combined state and federal indemnity must not exceed eighty percent of market value of the destroyed cervidae, as determined by the commission.

(c) The amount of indemnification payments to owners of cervidae destroyed under order of the state veterinarian for the control of contagious and infectious disease shall be determined by the commission.

(3) All moneys credited to the fund and all interest earned on the investment of moneys in the fund shall be a part of the fund and shall not be transferred or credited to the general fund or to any other fund except as directed by the general assembly, acting by bill. Moneys in the fund are hereby continuously appropriated to the commission for direct and indirect expenses incurred in carrying out the purposes of this section.

CRS § 35-50-116. Unlawful acts.

(1) Unless otherwise authorized by law, it is unlawful and a violation of this article 50 for any person:

(a) To refuse or fail to comply with the provisions of this article;



- (b) To refuse or fail to comply with any rules adopted by the commissioner pursuant to this article or with any lawful order issued by the commissioner;
- (c) To refuse or fail to comply with a cease-and-desist order issued pursuant to section 35-50-117;
- (d) To impersonate any state official or authorized representative as defined in this article;
- (e) To refuse to permit the state veterinarian to inspect and test any livestock pursuant to this article or rules adopted by the commissioner pursuant to this article. Each day of refusal by the owner of livestock to submit such livestock for inspection and testing shall be deemed a separate offense.
- (f) To violate any provision of a hold or quarantine;
- (g) To fail or refuse to identify livestock pursuant to section 35-50-109 or rules adopted by the commissioner pursuant to section 35-50-105 (3)(j) or to remove or tamper with such identification;
- (h) To fail or refuse to report a disease pursuant to section 35-50-108;
- (i) To knowingly permit livestock infected with or exposed to an infectious or contagious disease to run at large or come into contact with another animal, except as permitted by rule adopted by the commissioner pursuant to this article;
- (j) To harbor, sell, or otherwise dispose of any livestock or livestock part infected with or exposed to a reportable disease unless specifically permitted by the state veterinarian and unless such disposal is fully disclosed;
- (k) To import into the state any livestock or livestock part infected with or exposed to any infectious or contagious disease, except as permitted by rule adopted by the commissioner pursuant to this article;
- (l) To harbor, sell, or otherwise trade in or import into the state any infectious agent, host, or vector, except as permitted by rule adopted by the commissioner pursuant to this article; or
- (m) To alter or falsify any health certificate issued for the import or export of animals into or out of the state.

CRS § 35-50-117. Enforcement.

- (1) The commission or its designee shall enforce this article.



(2) Whenever the commission or its designee has reasonable cause to believe a violation of any provision of this article or any rule promulgated pursuant to this article has occurred and immediate enforcement is deemed necessary, the commission or its designee may issue an order requiring a person to cease and desist from such violation. Such cease-and-desist order shall set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all actions cease immediately. At any time after service of the order to cease and desist, the person may request a prompt hearing to determine whether or not such violation has occurred. Such hearing shall be conducted in accordance with article 4 of title 24, C.R.S., and shall be determined promptly.

(3) Whenever the commission or its designee possesses satisfactory evidence that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this article or of any rule adopted under this article, the commission or its designee may apply to a court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this article or any rule or order under this article. In any such action, the commission or its designee shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commission or its designee to post a bond.

CRS § 35-50-118. Civil penalties.

(1) A person who violates any provision of this article or any rule adopted pursuant to this article is subject to a civil penalty as determined by a court of competent jurisdiction or by the commission or the commission's designee. The penalty shall not exceed one thousand dollars per violation; except that such penalty may be doubled if it is determined, after notice and an opportunity for hearing, that the person has violated the provision or rule on at least one prior occasion occurring after March 23, 1995.

(2) No civil penalty may be imposed by the commission or its designee unless the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S.

(3) If the commission or its designee is unable to collect the civil penalty, or if a person fails to pay all or a set portion of the civil penalty as determined by the commission or its designee, the commission may bring suit to recover such amount plus costs and attorney fees by action in a court of competent jurisdiction.



(4) Before imposing any civil penalty, the court, the commission, or the commission's designee may consider the effect of such penalty on the person charged.

(5) All penalties collected pursuant to this section shall be transmitted to the diseased livestock indemnity fund created in section 35-50-114 (3).

CRS § 35-50-119. Criminal penalties.

(1) Except as set forth in subsection (2) of this section, any person, firm, partnership, association, or corporation, and any officer or agent thereof, who violates any of the provisions of this article 50 or any lawful order or rule of the commissioner commits a class 2 misdemeanor.

(2) A person who moves or causes to be moved any single head or any herd of cattle, horses, sheep, goats, swine, poultry, or other livestock from a hold or quarantined area in violation of a hold or quarantine order or who knowingly or unlawfully introduces a reportable disease into the state commits a class 1 misdemeanor and, upon conviction thereof, shall be punished pursuant to title 18. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

CRS § 35-50-120. Information sharing and analysis.

(1) Except as set forth in subsection (2) of this section, information obtained and maintained by the commissioner pursuant to this article and rules promulgated pursuant to this article and the results of surveillance and investigations may, in the discretion of the commissioner, be closed to public inspection, except as provided by court order, during the investigatory period and until the matter is dismissed without further action or until a quarantine is issued.

(2) As to any enforcement actions taken or the imposition of civil penalties, complaints of record made to the commissioner and the results of the commissioner's investigations may, in the discretion of the commissioner, be closed to public inspection, except to the person in interest, as defined in section 24-72-202(4), C.R.S., or as provided by court order, during the investigatory period and until dismissed or until notice of hearing and charges are served on a respondent or other official action is taken.

CRS § 35-50-121. Rights of secured parties.

Each secured party, whose security interest in the subject livestock appears in the list of effective filings as maintained by the central filing officer pursuant to the "Central Filing of Effective Financing Statement Act", article 9.5 of title 4, C.R.S., prior to the commissioner's payment to the owner of any excess sales



proceeds pursuant to section 35-50-109 (7); prior to the issuance to the owner of the state's certificate of indebtedness pursuant to section 35-50-114 (1); or prior to the commissioner's authorization of payment of indemnity pursuant to section 35-50-114 (2) shall have a right to the proceeds of any such payment or indemnity or to such certificate of indebtedness, which is prior to that of the owner, and the commissioner or the governor, as the case may be, shall cause the foregoing to be paid or issued jointly to each such secured party and to the owner.

CRS § 35-50-122. Saving clause.

Nothing in this article diminishes or supersedes the concurrent jurisdiction or the authorities of the parks and wildlife commission or the agriculture commission to regulate captive wildlife and alternative livestock.

CRS § 35-55-101. Definitions.

As used in this article, unless the context otherwise requires:

- (1) "Livestock" means horses, mules, cattle, burros, swine, sheep, goats, poultry, and alternative livestock as defined in section 35-41.5-102(1).
- (2) "Public livestock market" means any place, establishment, or facility, commonly known as a livestock market, conducted or operated for compensation or profit as a public livestock market, consisting of pens, or other enclosures, and their appurtenances, in which live horses, mules, cattle, burros, swine, sheep, goats, and poultry are received, held, or assembled for either public or private sale. The person, partnership, or corporation owning or controlling premises defined as a public livestock market shall be compensated for the use of the premises and the services performed in handling the livestock in connection with the sale.

CRS § 35-55-102. License requirements.

- (1) Any person, partnership, or corporation may procure a license to establish and operate, for a term of one year, a public livestock market within the state of Colorado by making written application to the state board of stock inspection commissioners. The application must provide the following:
 - (a) The name and address of the applicant, and the names and addresses of all persons having any financial interest in the business;
 - (b) Proof of financial responsibility of the applicant in the form and amount required by the state board of stock inspection commissioners in accordance with section 35-55-104 or as set forth in the federal "Packers and Stockyards Act, 1921", 7 U.S.C. sec. 181 et seq., as amended;



(c) A legal description of the property and its exact location, with a complete description of the facilities proposed to be used in connection with such public livestock market;

(d) Repealed.

(e) Proof of the ability of the applicant to comply with the federal "Packers and Stockyards Act, 1921", as amended (7 U.S.C. sec. 181 et seq.).

(f) Repealed.

(2) Each such application shall be accompanied by the annual fee as prescribed in section 35-55-103.

(3) To qualify for a license, the applicant must prove ownership of or control by lease of a facility that is adequate as determined by an authorized brand inspector to hold, handle, sort, and inspect livestock.

(4) Repealed.

(5) Every licensed public livestock market shall use forms approved by the state board of stock inspection commissioners for consignment cards, consignors accounts on sale, buyers settlement sheets, and bills of sale to the purchaser.

(6) A public livestock market shall operate on the day of the week designated by the state board of stock inspection commissioners. The operation of a public livestock market in this state without a license is a misdemeanor punishable as provided in section 35-55-117.

CRS § 35-55-103. License fee – rules.

No person shall engage in the operation of a public livestock market within the state of Colorado without first procuring a license from the state board of stock inspection commissioners and paying a fee prescribed by the board in an amount sufficient to cover the administrative costs of the licensing provisions of this article. The license may be renewed by eligible applicants in accordance with an expiration and renewal schedule established in rules promulgated by the commissioner of agriculture. An application for a license to establish and operate public livestock markets shall be in writing upon a blank form to be furnished by the board and shall be accompanied by the fee prescribed by the board pursuant to this section. If the board does not issue a license or renewal, the fee must be returned to the applicant.

CRS § 35-55-104. Bond.

(1) No license or renewal of license to establish a public livestock market within the state of Colorado may be issued until the applicant has filed evidence of a savings account, deposit, or certificate of deposit meeting the



requirements of section 11-35-101, C.R.S., or executed and delivered to this state a surety bond approved and accepted by the state board of stock inspection commissioners upon a form prescribed by the state board. The bond shall be in a penal sum of not less than twenty-five thousand dollars, the amount to be determined by the state board based upon the dollar volume of the business, and shall be issued by a surety company approved by the state board of stock inspection commissioners. Said bond shall be conditioned upon the prompt payment to the rightful owner, upon sale of the livestock so consigned and delivered to the licensee for sale, of all moneys received, less reasonable expenses and agreed commissions chargeable by the licensee and operator of the public livestock market, and also upon full compliance with all of the terms and requirements of this article. When so approved, said bond shall be filed with the state board.

(2) Actions at law may be brought in the name of the state board of stock inspection commissioners upon any such bond, for the use and benefit of any person, firm, or corporation who may suffer loss or damage from violations thereof, but the aggregate liability of the surety for all such losses or damages shall, in no event, exceed the sum of said bond.

(3) Any such public livestock market which is registered under the provisions of the federal "Packers and Stockyards Act, 1921", as amended, and has executed a bond as provided for therein and as is required by the rules and regulations prescribed by the secretary of agriculture, is not required to execute the bond provided for in this article if such bond also guarantees payment of all brand and sanitary inspection fees due this state. Copies of any such license and bond certified by the executive officer of such board may be procured upon payment of a fee of one dollar each, and shall be received as competent evidence in any court in this state.

CRS § 35-55-105. Posting licenses.

A certified copy of an issued license may be procured by the holder of the original upon payment of a fee of one dollar therefor, and the original or certified copy of said license shall be posted during sale periods in a conspicuous place on the premises where the public livestock market is conducted.

CRS § 35-55-106. Board rules.

The state board of stock inspection commissioners may adopt, publish, and enforce rules and regulations necessary for the administration of this article.

CRS § 35-55-107. Discipline of licensees.



(1) Any violation of the provisions of this article 55 or of any rule adopted and published by the state board of stock inspection commissioners is deemed sufficient cause for the state board of stock inspection commissioners to revoke or suspend the license of the offending operator of the public livestock market or to place on probation the licensee, and the following are specific grounds for the imposition of any of the disciplinary actions specified in this introductory portion:

(a) If the state board of stock inspection commissioners finds the licensee has violated any law of the state of Colorado or official rule or regulation made pursuant thereto governing the intrastate or interstate movement, shipment, or transportation of livestock, or the requirements for brand or health inspection thereof;

(b) If the state board of stock inspection commissioners finds that said licensee has been guilty of fraud or misrepresentation as to the title, brands, or ownership;

(c) If the state board of stock inspection commissioners finds the licensee guilty of buying, receiving, or offering for sale any livestock known by him to be diseased or to have been exposed to infectious or contagious disease;

(d) If the licensee has failed or refused to practice measures of sanitation and inspection as required by law concerning premises or vehicles used for the stabling, yarding, housing, holding, or transporting of animals in the operation of the licensee's public livestock market;

(e) If the state board of stock inspection commissioners finds that the licensee has neglected or refused to keep records and forms of consignment cards, consignors account of sale, and buyers account of sale and bill of sale approved by the state board of stock inspection commissioners required by this article, or rules or regulations made pursuant thereto, or fails or refuses to permit inspection of such records by any authorized agent of said board;

(f) If the state board of stock inspection commissioners finds that the licensee has failed or refused to withhold sale proceeds of any livestock designated by the authorized brand inspector as livestock of which the title is questionable in accordance with section 35-55-114, or if the board finds that the licensee has failed or refused to transmit promptly to said board, after the expiration of thirty days, the proceeds of all livestock to which ownership has not been established in accordance with section 35-55-114;



(g) If the state board of stock inspection commissioners finds that the licensee has issued a company account of purchase which establishes ownership of or transfers title to any cattle, horses, or mules which have not been inspected for brands and ownership or title verified by an authorized Colorado brand inspector immediately prior to or on the licensee's market day designated by the board;

(h) If the state board of stock inspection commissioners finds that the licensee attempted to obtain or obtained a livestock market license by fraud or misrepresentation;

(i) If the state board of stock inspection commissioners finds that the licensee is engaging in or has engaged in advertising which is misleading, deceptive, or false;

(j) If the state board of stock inspection commissioners finds that the licensee has violated or has aided or abetted in the violation of any order of the state board of stock inspection commissioners;

(k) If the state board of stock inspection commissioners finds that the licensee has aided or abetted in the violation of any provision of this article or of any rule or regulation adopted by the state board of stock inspection commissioners pursuant to this article;

(l) If the state board of stock inspection commissioners finds that the licensee has violated or has aided or abetted in the violation of the federal "Packers and Stockyards Act, 1921", as amended (7 U.S.C. sec. 181 et seq.);

(m) If the state board of stock inspection commissioners finds that the licensee has been convicted of or has entered a plea of nolo contendere to a felony for an offense related to the conduct regulated by this article.

(2) When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the state board of stock inspection commissioners, does not warrant formal action but which should not be dismissed as being without merit, the board may send a letter of admonition to any licensed public livestock market operator. Such letter shall be sent to the licensee by certified mail, and a copy thereof sent to the complainant, advising the operator that the operator may, within twenty days after receipt of the letter, make a written request to the board to institute a formal hearing pursuant to section 35-55-108 to determine the propriety of the alleged misconduct. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal proceedings.



CRS § 35-55-108. Investigation – hearing – administrative law judge.

(1) The state board of stock inspection commissioners, upon its own motion on the basis of reasonable cause or upon the complaint in writing of any person, shall investigate the activities of any licensed livestock market operator or any person who assumes to act in such capacity within the state. Based on the findings of such investigation, the board may initiate proceedings under this article for the discipline of a licensee.

(2) The board shall, through the department of agriculture, employ administrative law judges appointed pursuant to part 10 of article 30 of title 24, C.R.S., to conduct hearings for placing a licensee on probation or for revoking or suspending a license on behalf of the board. The administrative law judges shall conduct such hearings pursuant to the provisions of sections 24-4-104 and 24-4-105, C.R.S.

CRS § 35-55-109. Sanitary conditions.

Every public livestock market shall be maintained in a sanitary condition.

CRS § 35-55-110. Scales.

All scales used in the operation of public livestock markets shall come under and be controlled by Colorado's weights and measures laws.

CRS § 35-55-111. Records.

Operators of all public livestock markets shall keep on file an accurate record of the date on which a consignment of animals was received and sold, together with the name and address of the buyer and seller, the number and species of the animals received and sold, and the marks and brands on each animal. Said records together with the gross selling prices, commission, and other proper care, handling, and sale charges on each consignment shall be available for inspection by the executive officer of the state board of stock inspection commissioners, his deputy, or authorized inspector. All records of sales during preceding months shall be kept readily accessible for immediate examination.

CRS § 35-55-112. Brand inspection.

(1) All cattle, horses, mules, and burros, upon entering a public livestock market, shall be inspected for iron brands, earmarks, and other identifying characteristics before being offered for sale. A bill of sale signed by the recorded owner of the brands or no brands or an account of sale showing the brands or no brands on the livestock consigned shall be produced by the consignor. The brand inspector in charge may, in justifiable circumstances, permit the sale of cattle, horses, mules, or burros whose ownership is questionable



and then proceed to impound the proceeds of the sale of such animals. After any livestock are consigned to any public livestock market, they shall be held and treated as if the ownership thereof has not been established, until a proper bill of sale or account of sale is produced by the consignor. Such inspections shall be made by authorized brand inspectors who have been approved by the state board of stock inspection commissioners, and a fee per head in the amount prescribed by the state board of stock inspection commissioners pursuant to section 35-41-104, shall be withheld from the consignor's proceeds of sale by the market operator, to be paid to the state board of stock inspection commissioners, for brand inspection on all cattle, horses, mules, and burros.

(2) The authorized brand inspector making the inspection and collecting the fees prescribed shall issue an official brand inspection certificate in duplicate, one copy to be the property of the owner or operator of the auction market, and will be authority for the public livestock market to issue a bill of sale to the purchaser of any livestock sold or disposed of through a licensed livestock auction market, the original to be delivered to the office of the state board of stock inspection commissioners.

CRS § 35-55-113. Veterinary inspection – rules.

(1)

(a) An accredited and licensed veterinarian shall inspect all livestock consigned and delivered on the premises of any licensed public livestock market before the livestock are offered for sale. The veterinarian shall inspect or test, as indicated or required, animals consigned to the public livestock market for the purpose of determining their condition of health and freedom from infectious or contagious animal diseases. If, in the opinion of the inspecting veterinarian, the animals are free of clinical signs of infectious or contagious diseases and have not, to the best of the veterinarian's knowledge, been exposed to any infectious or contagious diseases, the veterinarian shall issue a signed certificate of veterinary inspection to any purchaser who so requests. The veterinarian shall deliver the certificate of veterinary inspection to the purchaser at the time of rendering the account of sale or bill of sale.

(b) In addition to the requirements of this subsection (1) for all interstate movements, livestock must meet federal interstate and state of destination requirements. The veterinarian and the public livestock market shall immediately isolate and hold all animals affected with any recognized infectious or contagious diseases in conformity with the health requirements of Colorado law and the rules of the department of agriculture. The operator of the public livestock



market shall pay all fees or taxes for veterinary services. The buyer or the person who intends to ship through interstate commerce shall pay the expenses for inspections or tests that are required by the United States department of agriculture and that can only be made by an approved and licensed veterinarian.

(2)

(a) Swine may be moved from a public livestock market if, upon inspection, the swine are found free of clinical signs of contagious, infectious, or communicable diseases and in a condition of health.

(b) Repealed.

(3) Feeding swine and breeding swine that are being moved from a market to a farm must be identified by an approved ear tag, individual tattoo, or ear notch as each is required by 9 CFR 71.19. Sows and boars that are being sent to slaughter must be identified in accordance with the market swine identification program as prescribed in the swine brucellosis control/eradication state-federal-industry uniform methods and rules published by the U.S.D.A. animal plant health inspection service agency (APHIS 91-55-042).

(4) No animal may be sold or offered for sale at a public livestock market if the animal is injured, disabled, or diseased beyond recovery, or if such injury or disease permanently renders the animal unfit for human consumption. This subsection (4) includes, but is not limited to, any animal with severe neoplasia, any animal that is unable to rise to its feet by itself, and any animal with obviously fractured long bones.

(5) If, in the judgment of an accredited and licensed veterinarian, an animal presented at a public livestock market is injured, disabled, or diseased beyond recovery, the veterinarian shall humanely euthanize the animal or direct the consignor to immediately remove the animal from the premises of the public livestock market. The consignor is responsible for all expenses incurred for euthanasia and disposal of an animal under this subsection (5). The consignee is not responsible for collection of expenses.

(6) The commissioner of agriculture shall adopt reasonable rules for the administration and enforcement of this section, including, but not limited to, rules designating any disease as a disease that renders livestock permanently disabled or the carcasses thereof permanently unfit for human consumption. The commissioner shall promulgate all such rules in accordance with existing antemortem inspection guidelines of the United States department of agriculture food safety inspection service.



CRS § 35-55-114. Title.

The operator of each public livestock market in this state shall warrant to the purchaser thereof the title of all livestock sold through his public livestock market and shall be liable to the rightful owner thereof for the net proceeds in cash received for such livestock so sold. It is the further duty of such operator, when notified by the authorized brand inspector that there is a question as to whether any designated livestock sold through said market is lawfully owned by the consignor thereof, to hold the proceeds received from the sale of said livestock for a reasonable time, not to exceed thirty days, to permit the consignor to establish ownership and if at expiration of that time, the consignor fails to establish his lawful ownership of such livestock, said proceeds shall be released by such operator to the state board of stock inspection commissioners, which board has authority to dispose of said proceeds in accordance with Colorado's estray laws relating to the distribution of estray money, and the board's receipt therefor shall relieve said operator from further responsibility for said proceeds. Proof of ownership and an account of all sales of livestock shall be transmitted by the authorized brand inspector to the state board of stock inspection commissioners.

CRS § 35-55-115. Disposition of fees.

All license fees collected from public livestock markets shall be deposited with the state treasurer and shall be placed in the brand inspection fund by the state treasurer for use of the board in paying ordinary expenses of the state board of stock inspection commissioners.

CRS § 35-55-116. Dispersal sales.

All dispersal sales made at public livestock markets shall meet the requirements prescribed for other livestock passing through such markets.

CRS § 35-55-117. Penalty.

Any person, partnership, or corporation who violates any provision or requirement of this article 55 or any rule or regulation adopted by the state board of stock inspection commissioners commits a class 2 misdemeanor. It is the duty of the district attorney of the district in which such offense is committed, upon complaint of any private person, or of a sanitary or brand inspector, or of the state board of stock inspection commissioners, to prosecute the same if, after investigation, the district attorney believes a violation has occurred. The state board of stock inspection commissioners, upon its own initiative, or upon complaint of any person, through the attorney general may bring an action in the district court of the district where such offense is committed in the name of the people of this state for an injunction against any person violating any of the provisions of this article 55 or of any rule or regulation adopted by the state board of stock inspection commissioners.



CRS § 35-55-118. Denial of license – hearing.

(1) The state board of stock inspection commissioners is empowered to determine summarily whether an applicant for a license to establish and operate a public livestock market meets the requirements set forth in this article or whether there is probable cause to believe that an applicant has committed any of the acts set forth in section 35-55-107 as grounds for discipline. As set forth in this section, "applicant" does not include a renewal applicant.

(2) If the board determines that an applicant does not meet the requirements for licensure set forth in this article or that probable cause exists to believe that an applicant has committed any of the acts set forth in section 35-55-107, the board may withhold or deny the applicant a license. In such instance, the board shall provide such applicant with a statement in writing setting forth the basis of the board's determination.

(3) Should reasonable grounds for controversy over the board's action in issuing or refusing to issue a license develop, a hearing may be conducted by four members of the board. Following such hearing, the board shall affirm, modify, or reverse its prior action in accordance with its findings at such hearing.

CRS § 35-55-119. Repeal of article – review of functions.

This article 55 is repealed, effective September 1, 2034. Before the repeal, the licensing of public livestock markets is scheduled for review in accordance with section 24-34-104.

