



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Farm Animal Welfare Statutes: *Colorado*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Farm Animal Welfare Statutes: Colorado

Colo. Rev. Stat. §§ 35-50.5-101 to -103

Current through signed legislation effective June 8, 2022 of the Second Regular Session, 73rd General Assembly (2022).

Effective Jan. 1, 2012 for calves and Jan. 1, 2018 for sows

§ 35-50.5-101. Definitions

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

- (1) "Calf raised for veal" means a member of the bovine species kept for the purpose of producing the food product known as veal.
- (2) "Farrowing" means the process of a gestating sow giving birth to offspring.
- (3) "Farrowing unit" means a structure in which a single gestating sow is kept immediately prior to and during farrowing for the purposes of providing care to the sow and the sow's offspring.
- (4) "Gestating sow" means a confirmed pregnant member of the porcine species.
- (5) "Person" shall have the meaning set forth in section 2-4-401, C.R. S.

§ 35-50.5-102. Confinement of calves raised for veal and pregnant sows--exceptions--penalty

- (1) No person shall confine a calf raised for veal or gestating sow in any manner other than the following:
 - (a) A calf raised for veal shall be kept in a manner that allows the calf to stand up, lie down, and turn around without touching the sides of its enclosure.
 - (b) A gestating sow shall be kept in a manner that allows the sow to stand up, lie down, and turn around without touching the sides of its enclosure until no earlier than twelve days prior to the expected date of farrowing. At that time, age stating sow may be kept in a farrowing unit.
- (2) This section shall not apply during the following:
 - (a) Periods of scientific or agricultural research;
 - (b) Examination, testing, or individual veterinary treatment;



- (c) Transportation;
- (d) Exhibitions at rodeos, fairs, or youth programs; or
- (e) Slaughter pursuant to article 33 of this title and rules adopted pursuant to article 33 of this title.

(3) A person who violates any provision of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

§ 35-50.5-103. Applicability

- (1) This article shall apply to:
 - (a) Calves raised for veal, on and after January 1, 2012; and
 - (b) Gestating sows, on and after January 1, 2018.

Colo. Rev. Stat. §§ 35-21-201 to 35-21-209

*Current through signed legislation effective June 8, 2022 of the Second Regular Session, 73rd General Assembly (2022).
Effective September 14, 2020*

§ 35-21-201. Legislative declaration

In accordance with the general assembly's authority to protect the health and welfare of consumers, promote food safety, and advance animal welfare, the general assembly finds and declares that the regulation of egg production on farms and of the sale of eggs and egg products will further these goals.

§ 35-21-202. Definitions

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

(1) "Business owner or operator" means any person who owns or controls the operations of a business.

(2)

(a) "Cage-free housing system" means an indoor or outdoor controlled environment for egg-laying hens to which all of the following apply:

(l) For an indoor environment, the egg-laying hens are free to roam unrestricted except by the following:

(A) Exterior walls; and



(B) Interior fencing used to contain the entire egg-laying hen flock within the building or subdivide flocks into smaller groups if farm employees can walk through each contained or subdivided area to provide care to egg-laying hens and if each egg-laying hen has the minimum amount of usable floor space described in section 35-21-203(1)(b)(II);

(II) Egg-laying hens are provided enrichments that allow them to exhibit natural behaviors, including, at a minimum, scratch areas, perches, nest boxes, and dust bathing areas; and

(III) Farm employees can provide care while standing within the egg-laying hens' usable floor space.

(b) "Cage-free housing system" includes multi-tiered aviaries, partially slatted systems, and single-level all-litter floor systems.

(c) "Cage-free housing system" does not include systems commonly described as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, furnished cages, or similar cage systems.

(3) "Commissioner" means the commissioner of agriculture.

(4) "Egg-laying hen" means a female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.

(5)

(a) "Egg product" means an egg of an egg-laying hen that is separated from the shell and intended for human food, whether in liquid, solid, dried, or frozen form, whether raw or cooked, and with:

(I) The egg yolk and egg white in their natural proportions; or

(II) The egg yolk and egg white separated, mixed, or mixed and strained.

(b) "Egg product" does not include combination food products, including pancake mixes, cake mixes, cookies, pizzas, cookie dough, or ice cream, that include egg as one of multiple ingredients in the product; except that merely adding sugar, salt, water, seasoning, coloring, flavoring, preservatives, stabilizers, or similar food additives does not make an egg product a combination food product.

(6) "Enclosure" means a structure used to confine an egg-laying hen.

(7)

(a) "Farm" means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or



animal products used for food.

(b) “Farm” does not include live animal markets or official plants where mandatory inspection is maintained under the federal “Egg Products Inspection Act”, 21 U.S.C. sec. 1031 et seq., as amended.

(8) “Farm owner or operator” means a person that owns a farm or controls the operations of a farm.

(9) “Multi-tiered aviary” means a cage-free housing system where egg-laying hens have unfettered access to multiple elevated platforms that provide the egg-laying hens with usable floor space both on top of and underneath the platforms.

(10) “Partially slatted system” means a cage-free housing system where egg-laying hens have unfettered access to elevated flat platforms under which manure drops through the flooring to a pit or litter removal belt below the platform.

(11) “Sale” means a commercial sale by a business that sells any item covered by this part 2. “Sale” does not include any sale undertaken at an official plant where mandatory inspection is maintained under the federal “Egg Products Inspection Act”, 21 U.S.C. sec. 1031 et seq., as amended.

(12) “Shell egg” means a whole egg of an egg-laying hen in its shell form, intended for use as human food.

(13) “Single-level all-litter floor system” means a cage-free housing system bedded with litter where egg-laying hens have limited or no access to elevated flat platforms.

(14)

(a) “Usable floor space”:

(I) Means the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to egg-laying hens in an enclosure by the number of egg-laying hens in that enclosure; and

(II) Includes both ground space and elevated level or nearly level flat platforms upon which egg-laying hens can roost.

(b) “Usable floor space” does not include perches or ramps.

§ 35-21-203. Enclosure requirements--repeal

(1)

(a)



(I) On and after January 1, 2023, a farm owner or operator shall not knowingly confine an egg-laying hen in an enclosure with less than one square foot of usable floor space per egg-laying hen.

(II) This subsection (1)(a) is repealed, effective January 1, 2025.

(b) On and after January 1, 2025, a farm owner or operator shall not knowingly confine an egg-laying hen in an enclosure:

(I) That is not a cage-free housing system; or

(II) That has less than:

(A) One square foot of usable floor space per egg-laying hen in a cage-free housing system that provides egg-laying hens with unfettered access to vertical space, such as a multi-tiered aviary or a partially slatted system; or

(B) One and one-half square feet of usable floor space per egg-laying hen in a cage-free housing system that does not provide egg-laying hens with unfettered access to vertical space, such as a single-level all-litter floor system.

(2)

(a) A business owner or operator shall not knowingly sell or transport for sale in the state a shell egg or egg product that the business owner or operator knows or should know was produced by an egg-laying hen that was confined in a manner that conflicts with the standards required in subsection (1) of this section.

(b)

(I) This subsection (2) takes effect January 1, 2023.

(II) This subsection (2)(b) is repealed, effective January 1, 2025.

(3) For the purposes of this part 2, a sale is deemed to occur at the location where the buyer takes physical possession of the item.

§ 35-21-204. Exceptions

1) Section 35-21-203(1) does not apply during:

(a) Medical research;

(b) Examination, testing, individual treatment, or operation for veterinary purposes, but only if performed by or under the direct supervision of a veterinarian licensed in accordance with article 315 of title 12;



- (c) Transportation;
- (d) A state or county fair exhibition, a 4-H program, and similar exhibitions;
- (e) Slaughter, if done in accordance with an applicable law; or
- (f) Temporary periods for animal husbandry purposes for no more than six hours in any twenty-four-hour period and no more than twenty-four hours total in any thirty-day period.

(2) This part 2 does not apply to:

- (a) The production in the state, sale in the state, or transport for sale in the state of shell eggs by a farm owner or operator with annual shell egg production from three thousand or fewer egg-laying hens if all shell eggs sold in the state or transported for sale in the state by the farm owner or operator are derived from three thousand or fewer egg-laying hens; or
- (b) The sale of or transport for sale of shell eggs in the state by a business owner or operator at one or more business locations in the state if all of the following conditions are met:
 - (I) Each business location owned by or operated by the business owner or operator sells fewer than twenty-five cases of thirty dozen shell eggs per week;
 - (II) All business locations owned by or operated by the business owner or operator collectively sell fewer than one hundred cases of thirty dozen shell eggs per week; and
 - (III) The business owner or operator is not a farm owner or operator.

§ 35-21-205. Defense

It is a defense in a proceeding to enforce this part 2 that a business owner or operator relied in good faith upon a written certification by the supplier that the shell egg or egg product was not derived from an egg-laying hen that was confined in a manner that conflicts with the standards in section 35-21-203(1).

§ 35-21-206. Penalty

- (1) If a farm owner or operator or business owner or operator violates this part 2, the commissioner may impose a civil penalty not to exceed one thousand dollars per violation.
- (2) If the commissioner is unable to collect a civil penalty or if a farm owner or operator or business owner or operator fails to pay any portion of a civil penalty imposed under this section, the commissioner may recover the amount of the penalty, plus costs and attorney fees, by an action in a court.



(3) The commissioner shall not impose a civil penalty unless the person charged is given notice and opportunity for a hearing in accordance with article 4 of title 24.

§ 35-21-207. Enforcement--rules

(1) The commissioner shall enforce this part 2. A farm owner or operator or a business owner or operator shall allow the commissioner or the commissioner's designee access during regular business hours to the farm or business, vehicles, and records pertinent to activities regulated in this part 2.

(2) The commissioner shall promulgate rules governing the enforcement of this part 2, including rules governing the inspection of farms, shell eggs, and egg products, to ensure shell eggs and egg products sold in Colorado are produced in compliance with this part 2.

(3) The commissioner may use a government or private inspection or process verification provider to ensure compliance with this part 2. To rely on a government or private inspection or process verification provider, the commissioner must approve the specific inspection or process verification provider as competent to ensure compliance with this part 2 during both production and handling of shell eggs and egg products.

§ 35-21-208. Certification--repeal

(1)

(a) To sell shell eggs and egg products, to offer to sell shell eggs or egg products, or to transport shell eggs or egg products for sale within the state:

(I) A farm owner or operator must obtain a certificate that the shell eggs or egg products are produced in compliance with this part 2 from the commissioner;

(II) A business owner or operator must obtain a copy of the certificate issued under subsection (1)(a)(I) of this section from a farm owner or operator that the shell eggs or egg products comply with this part 2. The business owner or operator shall retain the copy and provide the copy to the commissioner upon request.

(b) The commissioner shall certify shell eggs and egg products as compliant with this part 2 if:

(I) The enclosures for the egg-laying hens are inspected in accordance with the rules promulgated under section 35-21-207(2); or

(II) The commissioner determines the shell eggs and egg products are accompanied with documentation proving the enclosures for the egg-laying hens have undergone government or private inspection and process verification services described in section 35-21-207(3).



(2) The certification issued under this section expires at the end of the calendar year.

(3)

(a) This section applies to the sale of, an offer to sell, or the transportation of shell eggs and egg products for sale within the state occurring on or after January 1, 2023.

(b) This subsection (3) is repealed, effective January 1, 2025.

§ 35-21-209. Effects on other animal welfare laws

This part 2 does not limit or replace any other state statute or rule that protects the welfare of animals. This part 2 does not preempt a local governing body from adopting and enforcing its own animal welfare ordinance, rule, resolution, or charter provision that is more stringent than this part 2.

