



# The National Agricultural Law Center

*The nation's leading source for agricultural & food law research & information*

NationalAgLawCenter.org | nataglaw@uark.edu

---

---

## State Meat Inspection Laws: *Colorado*



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

## State Meat Inspection Laws: Colorado

**Fast find:**

- 1) Federal Compliance:
- 2) Controlling State Agency/Definitions: [C.R.S. 35-1-102](#)
- 3) Animals Covered Under the Act:
- 4) Approved Methods of Slaughter & Religious Slaughter: [C.R.S. 35-33-203](#)
- 5) Inspection
  - a) Procedure and Examination:
  - b) Licensing:
- 6) Exemptions
  - a) Personal Use:
  - b) On Farm or Custom Slaughter: [C.R.S. 35-33-107](#)
  - c) Religious: [C.R.S. 35-33-107](#)
- 7) Violations: [C.R.S. 35-33-405](#), [C.R.S. 35-33-406](#)

### C.R.S. Tit. 35, Art. 33

*Current through legislation effective April 1, 2020 of the 2020 Regular Session. Some statute sections may be more current. See credits for details.*

#### **§ 35-33-101. Short title**

This article shall be known and may be cited as the “Custom Processing of Meat Animals Act”.

#### **§ 35-33-102. Legislative declaration**

The general assembly declares that the purpose of this article is to regulate the slaughter and processing of certain animals intended for human consumption. The general assembly finds that the production, processing, and consumption of meat animals plays an important part in the economy of this state and that to maintain the integrity of this industry and to protect the public health and welfare it is essential that the slaughter and processing of these animals occur in a safe, sanitary, and nondeceptive manner. It is therefore necessary to provide for the regulation of the slaughter and processing of meat animals.

#### **§ 35-33-103. Definitions**

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

- (1) “Adulterated” has the meaning set forth in section 25-5-410, C.R.S.
- (2) “Commission” means the state agricultural commission.
- (3) “Commissioner” means the commissioner of agriculture or his or her authorized agent.

(4) "Custom processing" means the slaughter or processing, for a fee or other compensation, of meat or meat products of an animal not owned by the person performing the slaughter or processing and not intended for sale by the owner of the animal.

(5) "Department" means the department of agriculture.

(6) "Food" means all articles used for food, drink, confectionery, or condiment by humans, whether simple, mixed, or compound, and any substance used as a constituent in the manufacture thereof.

(7) "Inedible meat" means meat or meat products derived from dead, dying, disabled, diseased, or condemned animals or from animals whose meat or meat products are otherwise unsuitable for human consumption. "Inedible meat" includes meat or meat products, regardless of origin, that have deteriorated so far as to be unfit for human consumption.

(8) "Meat or meat products" means carcasses or parts of carcasses derived from any animals used for food. "Meat or meat products" includes poultry.

(8.5) "Poultry" means any domesticated bird, including chickens, turkeys, ducks, geese, guineas, or squabs, whether live or dead.

(9) "Premises" means the back, front, and side yard of property occupied by a processing facility; docks and areas where vehicles are loaded or unloaded; driveways, approaches, pens, and alleys; and buildings or portions of buildings that are part of any facility even though not used for processing.

(10) "Processing" means the slaughtering, dressing, cutting, preparing, trimming, wrapping, or packaging of an animal or of meat or meat products from an animal.

(11) "Processing facility" means any establishment where meat is slaughtered, dressed, processed, cut, trimmed, wrapped, or packaged for delivery to consumers.

(12) "Sharp freezing facility" means a facility capable of maintaining a temperature of ten degrees below zero Fahrenheit or lower on still air or contact or a temperature of zero degrees Fahrenheit or lower by forced air circulation, within a tolerance of five degrees Fahrenheit for a minimum of twelve hours after fresh food is put in such facility for freezing.

(13) "Sharp frozen" means the process of refrigeration sufficient to reduce every portion of any meat or meat product to a temperature of zero degrees Fahrenheit or less in five hours or less.

(14) "Slaughter" means any process, or the use of any process, including without limitation the process of bleeding, that causes the death of any animal intended for food.

(15) "Uninspected", in reference to any animal, meat, or meat product, means not inspected and passed by the United States department of agriculture or another authorized government agency.

#### § 35-33-104. Commissioner of agriculture--powers and duties

(1) The commissioner is hereby authorized to formulate reasonable rules and standards of construction, labeling, operation, record keeping, and sanitation for all processing facilities and shall establish rules and standards pertaining to containers, packaging materials, mobile slaughter units, slaughter rooms, processing rooms, chill rooms, storage and locker rooms, sharp freezing facilities, and premises of processing facilities, with respect to the service of slaughtering, cutting, preparing, wrapping, and packaging meat and meat products necessary for the proper preservation of food.

(2) It is the duty of the department to enforce the provisions of this article and rules, regulations, and standards established in accordance therewith.

(3) Deleted by Laws 2009, Ch. 123, § 6, eff. April 16, 2009.

(4)(a) The commissioner, upon consent or upon obtaining an administrative search warrant, shall have the right of access to any premises for the purpose of any examination or inspection necessary to enforce this article or the rules promulgated thereunder, including inspection and copying of any relevant records.

(b) The commissioner may administer oaths and take statements, issue subpoenas requiring the attendance of witnesses and the production of books, memoranda, papers, and other documents, articles, or instruments, and compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. Upon the failure or refusal of any witness to obey any subpoena, the commissioner may petition the district court, and, upon a proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey such an order of the court shall be punishable as a contempt of court.

(5) The commissioner may, whenever immediate enforcement of any of the provisions of this article is deemed necessary for the protection of the public health or welfare, issue and enforce a written cease-and-desist order to any person found in violation of any of the provisions of this article or the rules promulgated thereunder.

(6) When the commissioner has reasonable cause to believe that any meat or meat product is being held, slaughtered, or processed in violation of this article or the rules promulgated under this article, and when such product endangers the public health, safety, or welfare, he or she may issue and enforce a written retention order, prohibiting any person from moving or otherwise disposing of the retained product in any manner without written permission of the commissioner. Within five days after the issuance of any retention order, the commissioner shall hold a hearing to determine whether the retained product should be condemned or released to the owner. If the product is found to be adulterated, and the product cannot be brought into compliance with this article, the commissioner shall order that the retained product is inedible meat and shall be disposed of.

(7) Deleted by Laws 1995, H.B.95-1005, § 2, eff. July 1, 1995.

### **§ 35-33-105. Injunctive relief**

Whenever the commissioner possesses sufficient evidence satisfactory to him or her indicating that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this article or of any rule promulgated under this article, the commissioner may apply to any 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 commissioner 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 commissioner to post a bond.

### **§ 35-33-106. Delegation of duties--cooperative agreements**

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

(2) The department may receive grants-in-aid from any agency of the United States and may cooperate and enter into agreements with any agency of the United States, with any other agency of this state or its political subdivisions, or with any agency of another state to further the implementation of this article, secure uniformity of regulations, prevent duplication of enforcement efforts, and facilitate the sharing of information developed in the investigation of unlawful business practices.

### **§ 35-33-107. Exemptions**

(1) Repealed by Laws 2007, Ch. 411, § 13, eff. July 1, 2007.

(2) Deleted by Laws 2009, Ch. 123, § 8, eff. April 16, 2009.

(3) Any person who holds an establishment number issued by the United States department of agriculture for purposes of inspection and does not engage in the custom processing of meat animals shall be exempt from the requirements of this article.

(4) Any religious practice involving the ritual slaughter, handling, or preparation of meat animals is exempt from the provisions of this article except section 35-33-203 governing methods of slaughter.

(5) Deleted by Laws 1995, H.B.95-1005, § 3, eff. July 1, 1995.

(6) A producer who raises and slaughters no more than one thousand poultry during each calendar year is exempt from the provisions of this article other than the record-keeping requirement in section 35-33-202 and the labeling requirements in section 35-33-301 if:

(a) The producer does not buy or sell poultry products other than those produced from poultry raised on the producer's own farm;

(b) The poultry do not move in interstate commerce;

(c) The poultry are properly labeled; and

(d) The poultry are healthy when slaughtered and the slaughter and processing are conducted under sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for use as human food when distributed by the producer.

#### **§ 35-33-201. Processing facilities--operation--rules**

(1) Each processing facility licensed under this article must be operated and maintained in a manner sufficient to prevent the creation of unsanitary conditions and to ensure that meat or meat products are not adulterated.

(2) Deleted by Laws 2009, Ch. 123, § 10, eff. April 16, 2009.

(3) All persons coming in contact with meat or meat products shall wear clean garments and a suitable head covering and shall keep their hands clean. No person with infected cuts or a communicable disease shall be allowed to handle meat or meat products.

(4) Deleted by Laws 2009, Ch. 123, § 10, eff. April 16, 2009.

(5) Deleted by Laws 2009, Ch. 123, § 10, eff. April 16, 2009.

(6) Unpackaged or uncovered meat or meat products shall not be moved through the slaughter, holding, or refuse rooms or areas.

(7) Deleted by Laws 2009, Ch. 123, § 10, eff. April 16, 2009.

(8) Deleted by Laws 2009, Ch. 123, § 10, eff. April 16, 2009.

(9)(a) Adulterated or inedible meat shall be decharacterized so as to unequivocally preclude its use for human food and shall be disposed of by methods approved by the commissioner.

(b) Decharacterization of adulterated or inedible meat shall be accomplished by freely slashing and covering all exposed surfaces with an edible green dye, charcoal, or such other methods as may be approved by the commissioner.

(10) All meat and meat products, except poultry, resulting from the processing or slaughter of uninspected animals:

(a) Shall, as soon as is practicable, be marked or coded with the owner's name and marked "NOT FOR SALE" in letters not less than three-eighths of an inch in height;

(b) Shall, when packaged, be marked or coded with the owner's name, the date of wrapping of the package, and the package contents, and labeled "NOT FOR SALE"; and

(c) Shall be returned to the owner or decharacterized and disposed of by methods approved by the commissioner, except for unclaimed meat from wildlife subject to the jurisdiction of the Colorado division of parks and wildlife, which shall be donated or disposed of in accordance with any applicable state or federal health or wildlife laws.

(11) All poultry and poultry products must be marked as required by the commissioner by rule.

#### **§ 35-33-202. Record-keeping requirements**

(1)(a) Every processor shall maintain records of each customer transaction, including, at a minimum:

(I) The date of the transaction;

(II) A description of the meat or meat products processed, including species and quantity;

(III) The name and address of the owner; and

(IV) Such other information as may be required by rule of the commissioner.

(b) The records maintained pursuant to paragraph (a) of this subsection (1) shall be kept for at least two years and made available to the commissioner on demand.

(2) Deleted by Laws 2009, Ch. 123, § 11, eff. April 16, 2009.

#### **§ 35-33-203. Slaughter methods**

(1) A processor shall not shackle, hoist, or otherwise bring animals into position for slaughter, or slaughter or bleed animals, except by humane methods.

(2) The commissioner may promulgate rules that conform substantially to the rules of the secretary of agriculture of the United States pursuant to the federal "Humane Methods of Slaughter Act of 1958", as amended; but the use of a manually operated hammer, sledge, or poleax shall not be permitted.

#### **§ 35-33-203.5. Freezing prior to delivery**

Unless otherwise requested by the owner, all meat or meat products shall be sharp frozen before delivery.

#### **§ 35-33-206. License required--application--inspection--issuance**

(1) Any person who desires to operate a custom processing facility shall first obtain a license from the department. A separate license shall be required for each custom processing facility. The application shall be in writing on forms supplied by the department, shall set forth such information as may be required by the department, and shall be accompanied by any required fees.

(1.5) Any person who desires to slaughter and process more than one thousand, but fewer than twenty thousand, poultry shall first obtain a license from the department. A separate license is required for each poultry processing facility. The application must be in writing on forms supplied by the department, setting forth any information required by the department, and must be accompanied by all required fees.

(2) Upon the applicant's submission of an application for a license and payment of the required fees, the department shall inspect facilities and premises at the location to be licensed and, if it finds that the

equipment, facilities, surrounding premises, and operation of such establishment comply with this article and the rules established pursuant thereto, the department shall issue a license to operate unless the department finds that there are grounds for denial or refusal to renew a license pursuant to section 35-33-208.

(3) The license shall be valid for the period from the date of issuance until the expiration date established by the commissioner by rule and, except for good cause shown, shall be renewed annually thereafter.

(4) A license shall not be transferable to a new owner or location.

(5) Any person who operates a custom processing facility without a valid license therefor commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

#### **§ 35-33-207. License fees**

(1) The fee for each license under this article shall be established by the commission. There shall be no reduction of a license fee for any fractional part of a year. The fee schedule shall cover all direct and indirect costs associated with the licensing, inspection, and regulation of custom processors.

(2) Any person who fails to renew a license on or before the expiration date of the license shall pay a late fee, as established by the commission, in addition to the license fee.

(3) All fees collected pursuant to this section shall be deposited in the state treasury and credited to the inspection and consumer services cash fund created in section 35-1-106.5.

#### **§ 35-33-208. Disciplinary actions--grounds**

(1) In accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S., the commissioner may deny, suspend, revoke, restrict, refuse to renew, or place on probation the license of any applicant or licensee who:

(a) Makes a false statement or misrepresentation on an application for a license or renewal;

(b) Has had a previous license or any equivalent authorization to engage in activities regulated under this article revoked, suspended, or denied by any authority authorized to grant such license or authorization in this or any other state;

(c) Has failed to comply with or violated any provision of this article or any rule promulgated by the commissioner pursuant to this article; or

(d) Fails to obey any lawful order of the commissioner.

#### **§ 35-33-405. Violations--civil penalties--disposition**

(1) In addition to the criminal penalty prescribed in section 35-33-406, any person who violates this article or any rule promulgated under this article shall also be subject to a civil penalty of not more than seven hundred fifty dollars per violation for each day of violation.

(2) Any person who violates this article or any rule promulgated under this article is subject to a civil penalty, as determined by the commissioner or a court of competent jurisdiction. The maximum penalty shall not exceed seven hundred fifty 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 for the second time. Each day the violation occurs shall constitute a separate violation.

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

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

(5) Before imposing any civil penalty, the commissioner or a court of competent jurisdiction may consider the effect of such penalty on the business.

(6) Any penalty collected under this section shall be transmitted to the state treasurer, who shall credit the same to the inspection and consumer services cash fund created in section 35-1-106.5.

**§ 35-33-406. Violations--criminal penalty**

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

**§ 35-33-407. Repeal of article**

This article 33 is repealed, effective September 1, 2023. Before its repeal, the licensing functions of the department are scheduled for review in accordance with section 24-34-104.