

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0604.01 Jery Payne x2157

HOUSE BILL 20-1343

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HOUSE SPONSORSHIP

Roberts,

SENATE SPONSORSHIP

Donovan,

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House Committees  
Rural Affairs & Agriculture

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CONFINEMENT STANDARDS FOR EGG-LAYING HENS  
102 WHOSE EGGS ARE SOLD.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires a farm owner or operator to house chicken, turkey, duck, goose, or guinea fowl hens (hens) in accordance with the standards established in the bill. And the bill prohibits, on and after January 1, 2022, a business owner or operator from selling shell eggs or egg products that are produced by egg-laying hens that were confined in a manner that conflicts with these standards. In connection with this

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

prohibition, the bill:

- ! Requires, by January 1, 2022, hens to be confined in an enclosure with at least one square foot of usable floor space per hen;
- ! Requires, by January 1, 2024, hens to be confined in a cage-free housing system with at least:
  - ! One square foot of usable floor space per hen if the hens have unfettered access to vertical space; or
  - ! One and one-half square feet of usable floor space per hen if the hens do not have unfettered access to vertical space;
- ! Deems a sale to have occurred at the location where the buyer takes physical possession of the shell egg or egg product;
- ! Allows a business to rely upon written certification that the shell egg or egg product did not come from hens that were confined in a manner that conflicts with the bill;
- ! Authorizes the commissioner of agriculture to impose a civil penalty up to \$1,000 per violation;
- ! Makes the commissioner responsible for promulgating rules to implement and enforce the bill; and
- ! Authorizes the commissioner to use a government or private inspection process.

The bill requires shell eggs and egg products to be annually certified as in compliance. Certification requires an inspection.

The following are exempt from the bill's requirements:

- ! Medical research;
- ! Veterinary purposes;
- ! Transportation;
- ! A state or county fair exhibition, a 4-H program, and similar exhibitions;
- ! Slaughter;
- ! Temporary periods for animal husbandry;
- ! A farm with 3,000 or fewer egg-laying hens; or
- ! A business owner or operator selling fewer than 25 cases of shell eggs per week.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article  
3 21 of title 35 as follows:

4 **PART 2**



1        WITHIN THE EGG-LAYING HENS' USABLE FLOOR SPACE.

2            (b) "CAGE-FREE HOUSING SYSTEM" INCLUDES MULTI-TIERED  
3        AVIARIES, PARTIALLY SLATTED SYSTEMS, AND SINGLE-LEVEL ALL-LITTER  
4        FLOOR SYSTEMS.

5            (c) "CAGE-FREE HOUSING SYSTEM" DOES NOT INCLUDE SYSTEMS  
6        COMMONLY DESCRIBED AS BATTERY CAGES, COLONY CAGES, ENRICHED  
7        CAGES, ENRICHED COLONY CAGES, MODIFIED CAGES, CONVERTIBLE CAGES,  
8        FURNISHED CAGES, OR SIMILAR CAGE SYSTEMS.

9            (3) "COMMISSIONER" MEANS THE COMMISSIONER OF  
10        AGRICULTURE.

11           (4) "EGG-LAYING HEN" MEANS A FEMALE DOMESTICATED  
12        CHICKEN, TURKEY, DUCK, GOOSE, OR GUINEA FOWL KEPT FOR THE PURPOSE  
13        OF COMMERCIAL EGG PRODUCTION.

14           (5) (a) "EGG PRODUCT" MEANS AN EGG OF AN EGG-LAYING HEN  
15        THAT IS SEPARATED FROM THE SHELL AND INTENDED FOR HUMAN FOOD,  
16        WHETHER IN LIQUID, SOLID, DRIED, OR FROZEN FORM, WHETHER RAW OR  
17        COOKED, AND WITH:

18            (I) THE EGG YOLK AND EGG WHITE IN THEIR NATURAL  
19        PROPORTIONS; OR

20            (II) THE EGG YOLK AND EGG WHITE SEPARATED, MIXED, OR MIXED  
21        AND STRAINED.

22            (b) "EGG PRODUCT" DOES NOT INCLUDE COMBINATION FOOD  
23        PRODUCTS, INCLUDING PANCAKE MIXES, CAKE MIXES, COOKIES, PIZZAS,  
24        COOKIE DOUGH, OR ICE CREAM, THAT INCLUDE EGG AS ONE OF MULTIPLE  
25        INGREDIENTS IN THE PRODUCT; EXCEPT THAT MERELY ADDING SUGAR,  
26        SALT, WATER, SEASONING, COLORING, FLAVORING, PRESERVATIVES,  
27        STABILIZERS, OR SIMILAR FOOD ADDITIVES DOES NOT MAKE AN EGG

1 PRODUCT A COMBINATION FOOD PRODUCT.

2 (6) "ENCLOSURE" MEANS A STRUCTURE USED TO CONFINE AN  
3 EGG-LAYING HEN.

4 (7) (a) "FARM" MEANS THE LAND, BUILDING, SUPPORT FACILITIES,  
5 AND OTHER EQUIPMENT THAT ARE WHOLLY OR PARTIALLY USED FOR THE  
6 COMMERCIAL PRODUCTION OF ANIMALS OR ANIMAL PRODUCTS USED FOR  
7 FOOD.

8 (b) "FARM" DOES NOT INCLUDE LIVE ANIMAL MARKETS OR  
9 OFFICIAL PLANTS WHERE MANDATORY INSPECTION IS MAINTAINED UNDER  
10 THE FEDERAL "EGG PRODUCTS INSPECTION ACT", 21 U.S.C. SEC. 1031 ET  
11 SEQ., AS AMENDED.

12 (8) "FARM OWNER OR OPERATOR" MEANS A PERSON THAT OWNS A  
13 FARM OR CONTROLS THE OPERATIONS OF A FARM.

14 (9) "MULTI-TIERED AVIARY" MEANS A CAGE-FREE HOUSING  
15 SYSTEM WHERE EGG-LAYING HENS HAVE UNFETTERED ACCESS TO  
16 MULTIPLE ELEVATED PLATFORMS THAT PROVIDE THE EGG-LAYING HENS  
17 WITH USABLE FLOOR SPACE BOTH ON TOP OF AND UNDERNEATH THE  
18 PLATFORMS.

19 (10) "PARTIALLY SLATTED SYSTEM" MEANS A CAGE-FREE HOUSING  
20 SYSTEM WHERE EGG-LAYING HENS HAVE UNFETTERED ACCESS TO  
21 ELEVATED FLAT PLATFORMS UNDER WHICH MANURE DROPS THROUGH THE  
22 FLOORING TO A PIT OR LITTER REMOVAL BELT BELOW THE PLATFORM.

23 (11) "SALE" MEANS A COMMERCIAL SALE BY A BUSINESS THAT  
24 SELLS ANY ITEM COVERED BY THIS PART 2. "SALE" DOES NOT INCLUDE ANY  
25 SALE UNDERTAKEN AT AN OFFICIAL PLANT WHERE MANDATORY  
26 INSPECTION IS MAINTAINED UNDER THE FEDERAL "EGG PRODUCTS  
27 INSPECTION ACT", 21 U.S.C. SEC. 1031 ET SEQ., AS AMENDED.

1 (12) "SHELL EGG" MEANS A WHOLE EGG OF AN EGG-LAYING HEN  
2 IN ITS SHELL FORM, INTENDED FOR USE AS HUMAN FOOD.

3 (13) "SINGLE-LEVEL ALL-LITTER FLOOR SYSTEM" MEANS A  
4 CAGE-FREE HOUSING SYSTEM BEDDED WITH LITTER WHERE EGG-LAYING  
5 HENS HAVE LIMITED OR NO ACCESS TO ELEVATED FLAT PLATFORMS.

6 (14) (a) "USABLE FLOOR SPACE":

7 (I) MEANS THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE  
8 PROVIDED TO EACH EGG-LAYING HEN, AS CALCULATED BY DIVIDING THE  
9 TOTAL SQUARE FOOTAGE OF FLOOR SPACE PROVIDED TO EGG-LAYING HENS  
10 IN AN ENCLOSURE BY THE NUMBER OF EGG-LAYING HENS IN THAT  
11 ENCLOSURE; AND

12 (II) INCLUDES BOTH GROUND SPACE AND ELEVATED LEVEL OR  
13 NEARLY LEVEL FLAT PLATFORMS UPON WHICH EGG-LAYING HENS CAN  
14 ROOST.

15 (b) "USABLE FLOOR SPACE" DOES NOT INCLUDE PERCHES OR  
16 RAMPS.

17 **35-21-203. Enclosure requirements - repeal.** (1) (a) (I) ON AND  
18 AFTER JANUARY 1, 2022, A FARM OWNER OR OPERATOR SHALL NOT  
19 KNOWINGLY CONFINE AN EGG-LAYING HEN IN AN ENCLOSURE WITH LESS  
20 THAN ONE SQUARE FOOT OF USABLE FLOOR SPACE PER EGG-LAYING HEN.

21 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JANUARY 1,  
22 2024.

23 (b) ON AND AFTER JANUARY 1, 2024, A FARM OWNER OR  
24 OPERATOR SHALL NOT KNOWINGLY CONFINE AN EGG-LAYING HEN IN AN  
25 ENCLOSURE:

26 (I) THAT IS NOT A CAGE-FREE HOUSING SYSTEM; OR

27 (II) THAT HAS LESS THAN:

1 (A) ONE SQUARE FOOT OF USABLE FLOOR SPACE PER EGG-LAYING  
2 HEN IN A CAGE-FREE HOUSING SYSTEM THAT PROVIDES EGG-LAYING HENS  
3 WITH UNFETTERED ACCESS TO VERTICAL SPACE, SUCH AS A MULTI-TIERED  
4 AVIARY OR A PARTIALLY SLATTED SYSTEM; OR

5 (B) ONE AND ONE-HALF SQUARE FEET OF USABLE FLOOR SPACE PER  
6 EGG-LAYING HEN IN A CAGE-FREE HOUSING SYSTEM THAT DOES NOT  
7 PROVIDE EGG-LAYING HENS WITH UNFETTERED ACCESS TO VERTICAL  
8 SPACE, SUCH AS A SINGLE-LEVEL ALL-LITTER FLOOR SYSTEM.

9 (2) (a) A BUSINESS OWNER OR OPERATOR SHALL NOT KNOWINGLY  
10 SELL OR TRANSPORT FOR SALE A SHELL EGG OR EGG PRODUCT THAT THE  
11 BUSINESS OWNER OR OPERATOR KNOWS OR SHOULD KNOW WAS PRODUCED  
12 BY AN EGG-LAYING HEN THAT WAS CONFINED IN A MANNER THAT  
13 CONFLICTS WITH THE STANDARDS REQUIRED IN SUBSECTION (1) OF THIS  
14 SECTION.

15 (b) (I) THIS SUBSECTION (2) TAKES EFFECT JANUARY 1, 2022.

16 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JANUARY 1,  
17 2024.

18 (3) FOR THE PURPOSES OF THIS PART 2, A SALE IS DEEMED TO  
19 OCCUR AT THE LOCATION WHERE THE BUYER TAKES PHYSICAL POSSESSION  
20 OF THE ITEM.

21 **35-21-204. Exceptions.** (1) SECTION 35-21-203 (1) DOES NOT  
22 APPLY DURING:

23 (a) MEDICAL RESEARCH;

24 (b) EXAMINATION, TESTING, INDIVIDUAL TREATMENT, OR  
25 OPERATION FOR VETERINARY PURPOSES, BUT ONLY IF PERFORMED BY OR  
26 UNDER THE DIRECT SUPERVISION OF A VETERINARIAN LICENSED IN  
27 ACCORDANCE WITH ARTICLE 315 OF TITLE 12;

- 1 (c) TRANSPORTATION;
- 2 (d) A STATE OR COUNTY FAIR EXHIBITION, A 4-H PROGRAM, AND  
3 SIMILAR EXHIBITIONS;
- 4 (e) SLAUGHTER, IF DONE IN ACCORDANCE WITH AN APPLICABLE  
5 LAW; OR
- 6 (f) TEMPORARY PERIODS FOR ANIMAL HUSBANDRY PURPOSES FOR  
7 NO MORE THAN SIX HOURS IN ANY TWENTY-FOUR-HOUR PERIOD AND NO  
8 MORE THAN TWENTY-FOUR HOURS TOTAL IN ANY THIRTY-DAY PERIOD.

9 (2) THIS PART 2 DOES NOT APPLY TO:

10 (a) A FARM OWNER OR OPERATOR WITH ANNUAL SHELL EGG  
11 PRODUCTION FROM THREE THOUSAND OR FEWER EGG-LAYING HENS; OR

12 (b) A BUSINESS OWNER OR OPERATOR SELLING FEWER THAN  
13 TWENTY-FIVE CASES OF THIRTY DOZEN EGGS PER WEEK IF THE BUSINESS  
14 OWNER OR OPERATOR IS NOT A FARM OWNER OR OPERATOR WITH ANNUAL  
15 EGG PRODUCTION FROM MORE THAN THREE THOUSAND EGG-LAYING HENS.

16 **35-21-205. Defense.** IT IS A DEFENSE IN A PROCEEDING TO  
17 ENFORCE THIS PART 2 THAT A BUSINESS OWNER OR OPERATOR RELIED IN  
18 GOOD FAITH UPON A WRITTEN CERTIFICATION BY THE SUPPLIER THAT THE  
19 SHELL EGG OR EGG PRODUCT WAS NOT DERIVED FROM AN EGG-LAYING HEN  
20 THAT WAS CONFINED IN A MANNER THAT CONFLICTS WITH THE STANDARDS  
21 IN SECTION 35-21-203 (1).

22 **35-21-206. Penalty.** (1) IF A FARM OWNER OR OPERATOR OR  
23 BUSINESS OWNER OR OPERATOR VIOLATES THIS PART 2, THE  
24 COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE  
25 THOUSAND DOLLARS PER VIOLATION.

26 (2) IF THE COMMISSIONER IS UNABLE TO COLLECT A CIVIL PENALTY  
27 OR IF A FARM OWNER OR OPERATOR OR BUSINESS OWNER OR OPERATOR

1 FAILS TO PAY ANY PORTION OF A CIVIL PENALTY IMPOSED UNDER THIS  
2 SECTION, THE COMMISSIONER MAY RECOVER THE AMOUNT OF THE  
3 PENALTY, PLUS COSTS AND ATTORNEY FEES, BY AN ACTION IN A COURT.

4 (3) THE COMMISSIONER SHALL NOT IMPOSE A CIVIL PENALTY  
5 UNLESS THE PERSON CHARGED IS GIVEN NOTICE AND OPPORTUNITY FOR A  
6 HEARING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

7 **35-21-207. Enforcement - rules.** (1) THE COMMISSIONER SHALL  
8 ENFORCE THIS PART 2. A FARM OWNER OR OPERATOR OR A BUSINESS  
9 OWNER OR OPERATOR SHALL ALLOW THE COMMISSIONER OR THE  
10 COMMISSIONER'S DESIGNEE ACCESS DURING REGULAR BUSINESS HOURS TO  
11 THE FARM OR BUSINESS, VEHICLES, AND RECORDS PERTINENT TO  
12 ACTIVITIES REGULATED IN THIS PART 2.

13 (2) THE COMMISSIONER SHALL PROMULGATE RULES GOVERNING  
14 THE ENFORCEMENT OF THIS PART 2, INCLUDING RULES GOVERNING THE  
15 INSPECTION OF FARMS, SHELL EGGS, AND EGG PRODUCTS, TO ENSURE  
16 SHELL EGGS AND EGG PRODUCTS SOLD IN COLORADO ARE PRODUCED IN  
17 COMPLIANCE WITH THIS PART 2.

18 (3) THE COMMISSIONER MAY USE A GOVERNMENT OR PRIVATE  
19 INSPECTION OR PROCESS VERIFICATION PROVIDER TO ENSURE COMPLIANCE  
20 WITH THIS PART 2. TO RELY ON A GOVERNMENT OR PRIVATE INSPECTION  
21 OR PROCESS VERIFICATION PROVIDER, THE COMMISSIONER MUST APPROVE  
22 THE SPECIFIC INSPECTION OR PROCESS VERIFICATION PROVIDER AS  
23 COMPETENT TO ENSURE COMPLIANCE WITH THIS PART 2 DURING BOTH  
24 PRODUCTION AND HANDLING OF SHELL EGGS AND EGG PRODUCTS.

25 **35-21-208. Certification - repeal.** (1) (a) TO SELL SHELL EGGS  
26 ANDEGG PRODUCTS, TO OFFER TO SELL SHELL EGGS OR EGG PRODUCTS, OR  
27 TO TRANSPORT SHELL EGGS OR EGG PRODUCTS FOR SALE WITHIN THE

1 STATE:

2 (I) A FARM OWNER OR OPERATOR MUST OBTAIN A CERTIFICATE  
3 THAT THE SHELL EGGS OR EGG PRODUCTS ARE PRODUCED IN COMPLIANCE  
4 WITH THIS PART 2 FROM THE COMMISSIONER;

5 (II) A BUSINESS OWNER OR OPERATOR MUST OBTAIN A COPY OF  
6 THE CERTIFICATE ISSUED UNDER SUBSECTION (1)(a)(I) OF THIS SECTION  
7 FROM A FARM OWNER OR OPERATOR THAT THE SHELL EGGS OR EGG  
8 PRODUCTS COMPLY WITH THIS PART 2. THE BUSINESS OWNER OR  
9 OPERATOR SHALL RETAIN THE COPY AND PROVIDE THE COPY TO THE  
10 COMMISSIONER UPON REQUEST.

11 (b) THE COMMISSIONER SHALL CERTIFY SHELL EGGS AND EGG  
12 PRODUCTS AS COMPLIANT WITH THIS PART 2 IF:

13 (I) THE ENCLOSURES FOR THE EGG-LAYING HENS ARE INSPECTED  
14 IN ACCORDANCE WITH THE RULES PROMULGATED UNDER SECTION  
15 35-21-207 (2); OR

16 (II) THE COMMISSIONER DETERMINES THE SHELL EGGS AND EGG  
17 PRODUCTS ARE ACCOMPANIED WITH DOCUMENTATION PROVING THE  
18 ENCLOSURES FOR THE EGG-LAYING HENS HAVE UNDERGONE GOVERNMENT  
19 OR PRIVATE INSPECTION AND PROCESS VERIFICATION SERVICES DESCRIBED  
20 IN SECTION 35-21-207 (3).

21 (2) THE CERTIFICATION ISSUED UNDER THIS SECTION EXPIRES AT  
22 THE END OF THE CALENDAR YEAR.

23 (3) (a) THIS SECTION APPLIES TO THE SALE OF, AN OFFER TO SELL,  
24 OR THE TRANSPORTATION OF SHELL EGGS AND EGG PRODUCTS FOR SALE  
25 WITHIN THE STATE OCCURRING ON OR AFTER JANUARY 1, 2022.

26 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,  
27 2024.

1           **35-21-209. Effects on other animal welfare laws.** THIS PART 2  
2 DOES NOT LIMIT OR REPLACE ANY OTHER STATE STATUTE OR RULE THAT  
3 PROTECTS THE WELFARE OF ANIMALS. THIS PART 2 DOES NOT PREEMPT A  
4 LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING ITS OWN  
5 ANIMAL WELFARE ORDINANCE, RULE, RESOLUTION, OR CHARTER  
6 PROVISION THAT IS MORE STRINGENT THAN THIS PART 2.

7           **SECTION 2.** In Colorado Revised Statutes, 35-1-106, **amend**  
8 (1)(p)(I) as follows:

9           **35-1-106. Powers and duties of commission.** (1) In addition to  
10 all other powers and duties conferred upon the commission by this article  
11 1, the commission has the following specific powers and duties:

12           (p) (I) In consultation with interested industry groups, to fix,  
13 assess, and collect fees in amounts sufficient to recover the department's  
14 direct and indirect costs incurred in carrying out and enforcing the  
15 provisions of articles 12, 13, 14, ~~21~~, 33, 36, 37, and 60 of this title 35,  
16 PART 1 OF ARTICLE 21 OF THIS TITLE 35, and part 2 of article 43 of this title  
17 35.

18           **SECTION 3.** In Colorado Revised Statutes, 35-21-101, **amend**  
19 the introductory portion as follows:

20           **35-21-101. Definitions.** As used in this ~~article~~ PART 1, unless the  
21 context otherwise requires:

22           **SECTION 4.** In Colorado Revised Statutes, 35-21-104, **amend**  
23 (4)(j) as follows:

24           **35-21-104. Licenses - application - fees - rules.** (4) (j) For the  
25 fiscal year commencing on July 1, 2007, and for each subsequent fiscal  
26 year, the agricultural commission shall establish a fee schedule to cover  
27 all of the direct and indirect costs of administering and enforcing ~~the~~

1 ~~provisions of this article~~ THIS PART 1.

2           **SECTION 5.** In Colorado Revised Statutes, 35-21-105, **amend**  
3 (1) and (2)(a) as follows:

4           **35-21-105. Exemption.** (1) Except as provided in subsection (2)  
5 of this section, a person who produces and sells, only on the premises at  
6 which the eggs were produced, at a farmers' market, or through a  
7 community-supported agricultural organization, less than two hundred  
8 fifty dozen eggs per month is exempt from this ~~article~~ PART 1; except that  
9 such a producer may apply for a dealer's license and, upon compliance  
10 with this ~~article~~ PART 1, be issued a dealer's license.

11           (2) A person transporting eggs for sale at a farmers' market or  
12 similar venue under subsection (1) of this section shall:

13           (a) Comply with the transport requirements of section 35-21-103  
14 (3) and any rules, including rules requiring refrigeration, promulgated  
15 under this ~~article~~ PART 1 regarding the safe transport and washing of eggs;  
16 and

17           **SECTION 6.** In Colorado Revised Statutes, 35-21-106, **amend**  
18 (1) as follows:

19           **35-21-106. Rules - commissioner to enforce - procedure.**

20 (1) The commissioner is authorized to formulate rules relating to  
21 licensing, transporting, processing, labeling, sale, storage, inspection, and  
22 record keeping as the commissioner may deem proper and necessary for  
23 the furtherance and enforcement of this ~~article~~. ~~Such~~ PART 1. THE rules  
24 shall be promulgated in accordance with article 4 of title 24. ~~C.R.S.~~

25           **SECTION 7.** In Colorado Revised Statutes, **amend** 35-21-107 as  
26 follows:

27           **35-21-107. Penalty.** (1) Any person who violates any of the

1 provisions of this ~~article~~ PART 1 is guilty of a misdemeanor. It is the duty  
2 of the commissioner to notify the district attorney of the judicial district  
3 in which a violation occurs, and the district attorney of said district shall  
4 conduct such proceedings as may be necessary with the cooperation of the  
5 commissioner. Upon conviction in any court of competent jurisdiction,  
6 any person in violation of ~~any of the provisions of this article~~ THIS PART  
7 1 shall be punished by a fine of not more than five hundred dollars. Each  
8 calendar day on which such a violation occurs shall constitute a separate  
9 violation. Fines and penalties imposed under this ~~article~~ PART 1 shall be  
10 collected and remitted as provided by law.

11 (2) After proper hearing as provided in article 4 of title 24, ~~C.R.S.~~,  
12 the commissioner may deny an application for licensure, place a licensee  
13 on probation, or restrict, suspend, revoke, or refuse to renew the license  
14 of a person who violates ~~any of the provisions of this article~~ THIS PART 1  
15 or any rule adopted under this ~~article~~. ~~Such~~ PART 1. THE restriction,  
16 revocation, or suspension of or refusal to renew a license may be in  
17 addition to, or in lieu of, any penalties or fines imposed in subsection (1)  
18 of this section.

19 **SECTION 8.** In Colorado Revised Statutes, 35-21-107.5, **amend**  
20 (1)(a) as follows:

21 **35-21-107.5. Civil penalties.** (1) (a) The commissioner may  
22 impose a civil penalty on any person who violates ~~any provision of this~~  
23 ~~article~~ THIS PART 1 or any rule adopted under this ~~article~~. ~~Such~~ PART 1.  
24 THE penalty ~~shall~~ MUST not exceed seven hundred fifty dollars per day per  
25 violation.

26 **SECTION 9. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2020 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.