

## CHAPTER 128

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**AGRICULTURE**

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## SENATE BILL 23-152

BY SENATOR(S) Roberts and Pelton R., Pelton B., Priola, Simpson, Ginal, Kolker, Marchman, Will;  
also REPRESENTATIVE(S) Holtorf and Young, Amabile, Armagost, Bockenfeld, Catlin, Duran, Lindsay, Lukens, Lynch,  
Martinez, McCormick, McLachlan, Ricks, Sharbini, Soper, Titone, Velasco, Weinberg, Winter T., Woodrow, McCluskie.

**AN ACT**

**CONCERNING THE CONTINUATION OF THE REGULATION OF THE CUSTOM PROCESSING OF MEAT ANIMALS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE 2022 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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

**SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal** (24)(a)(VI); and **add** (33)(a)(IV) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.** (24) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2023:

(VI) ~~The regulation of the custom processing of meat animals by the department of agriculture in accordance with article 33 of title 35;~~

(33) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2032:

(IV) THE REGULATION OF THE CUSTOM PROCESSING OF MEAT ANIMALS BY THE DEPARTMENT OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 33 OF TITLE 35.

**SECTION 2.** In Colorado Revised Statutes, **amend** 35-33-407 as follows:

**35-33-407. Repeal of article.** This article 33 is repealed, effective ~~September 1, 2023~~ **SEPTEMBER 1, 2032**. Before its repeal, the licensing functions of the department are scheduled for review in accordance with section 24-34-104.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**SECTION 3.** In Colorado Revised Statutes, 35-33-301, **amend** (3)(a); and **repeal** (3)(c), (3)(d), and (3)(e) as follows:

**35-33-301. Sale of poultry - labeling - rules.** (3) (a) ~~The commissioner or his or her designee shall~~ MAY convene, AS NEEDED, a stakeholder group, including representatives from the Colorado department of public health and environment, retail food establishments, liability insurance companies, poultry farmers, poultry suppliers, processors operating under this ~~article~~ ARTICLE 33, and any other interested party.

(c) ~~The department shall convene the first meeting with the stakeholders no later than July 1, 2016, and as needed thereafter.~~

(d) ~~The department shall meet with the stakeholders to develop a regulatory framework for the processing of poultry that is sold to retail food establishments, as defined in section 25-4-1602 (14), C.R.S.~~

(e) ~~On or before November 30, 2016, the commissioner or his or her designee shall prepare a report of the findings and conclusions of the study and shall present the report to all stakeholders and others upon request.~~

**SECTION 4.** In Colorado Revised Statutes, 35-33-405, **amend** (2) and (6); and **repeal** (1) as follows:

**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) IN ADDITION TO THE CRIMINAL PENALTY PRESCRIBED IN SECTION 35-33-406, any person who violates this ~~article~~ ARTICLE 33 or any rule promulgated under this ~~article~~ ARTICLE 33 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~~ THE 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 OR SUBSEQUENT time. Each day the violation occurs ~~shall constitute~~ CONSTITUTES a separate violation.

(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~~ IS CREDITED TO THE GENERAL FUND IN ACCORDANCE WITH SECTION 24-75-201.

**SECTION 5.** In Colorado Revised Statutes, **amend** 35-33-406 as follows:

**35-33-406. Violations - criminal penalty.** Any person who violates this ~~article~~ ARTICLE 33 or any rule promulgated under this ~~article~~ ARTICLE 33 commits a ~~class 2 misdemeanor~~ PETTY OFFENSE and shall be punished as provided in section ~~18-1.3-501, C.R.S.~~ 18-1.3-503.

**SECTION 6. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Sections 4 and 5 of this act apply to offenses committed on or after the applicable effective date of this act.

Approved: April 28, 2023