



TITLE 35      ARTICLE 33

# SLAUGHTER, PROCESSING & SALE OF MEAT ANIMALS ACT

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**ARTICLE 33**  
**Slaughter, Processing, and Sale of Meat Animals**

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PART 1  
GENERAL PROVISIONS

**35-33-101. Short title.**

This article shall be known and maybe cited as the "Slaughter, Processing, and Sale of Meat Animals Act".

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

The general assembly declares that the purpose of this article is to regulate the slaughter, processing, and sale of certain animals intended for human consumption. The general assembly finds that the production, processing, sale, 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, processing and sale of these animals occur in a safe, sanitary, and nondeceptive manner. It is therefore necessary to provide for the regulation of the slaughter, processing, and sale of meat animals.

**35-33-103. Definitions.**

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

(1) "Advertisement" includes the attempt by publication, dissemination, solicitation, or circulation, to induce directly or indirectly through visual, oral, or written means, any person to enter into any obligation or to acquire any title or interest in any property.

(2) "Bulk meat" means meat consisting of whole carcasses, sides, or primal cuts and sold by hanging weight.

(3) "Bundle" means individually wrapped cuts of meat packaged together for sale as a single unit.

(4) "Commission" means the state agricultural commission.

(5) "Commissioner" means the commissioner of agriculture or his authorized agent.

(6) "Custom processing" means the slaughter or processing for a fee or other remuneration of an animal delivered to the processor by the owner of such animal.

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

(8) "Diseased meat" includes meat that is stale, emaciated, brown, tainted, putrid measly, or contaminated so as to render it unfit for human consumption.

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

(10) "Food plan" means soliciting, negotiating, or making sales of meat or mea products and frozen foods to consumers, which products are sold or delivered as a package or to be delivered over a specified time for storage in a locker box, home freezer, or any other freezer unit or facility. "Food plan" includes the sale, lease, or rental of any freezer unit in conjunction with the sale of food.

(11) "Food plan operator" means any person, firm, or corporation, other than a processor or a locker plant operator, engaged in the business of soliciting, negotiating, or making sales of food plans.

(12) "Freezer unit" means any compartment used for the storage of frozen meats or food, including any locker box or home freezer unit, that has a capacity not to exceed two hundred fifty pounds.

(13) "Frozen foods" means any food or food products that have been preserved by freezing or have been subjected to a process of refrigeration sufficient to reduce every portion thereof to a frozen state.

(14) "Humane method" means:

(a) A method whereby an animal is rendered insensible to pain by a mechanical, electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut, but does not include any use of a manually operated hammer, sledge, or poleax;

(b) A method employed in connection with the ritual requirements of any religious faith whereby an animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument

(15) "Inspection" means an actual on-site investigation or examination by the department of agriculture to see that a processing facility conforms with the requirements of this article and the rules and regulations of the department.

(16) "Livestock" mean's cattle, calves, sheep, swine, horses, mules, goats, and any other animal which may be used in and for the preparation of meat or meat products.

(17) "Locker box" means the individual sections or compartments of a capacity not to exceed thirty-five cubic feet in the locker room of a locker plant.

(18) "Locker plant" means a location or establishment in which space in individual lockers is rented for the storage of frozen food.

(19) "Meat or meat product" means carcasses or parts of carcasses derived from cattle, calves, sheep, swine, goats, large game animals, and other food animals, including rabbits and poultry.

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

(21) "Misrepresent" means the use of any untrue, misleading, or deceptive oral or written statement, advertisement, label, display, picture, illustration, or sample.

(22) "Packaging materials" means cartons, wrapping materials, or any other container of any kind used for the packaging of meat or meat products or food or food products.

(23) "Packer" means any person engaged in the business of slaughtering, or of manufacturing or preparing meat or meat products for sale, either by such person or others, or of manufacturing or preparing livestock products for sale by such person or others.

(24) "Poultry" means any domesticated bird, live or dead, including but not limited to chickens, turkeys, ducks, and geese.

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

(26) "Primal cuts" includes:

(a) Side of beef: One-half of a split beef, comprising the forequarter and hindquarter.

- (b) Forequarter of beef: The forward portion of a side, back to and including the twelfth rib.
- (c) Back of beef: The chuck and rib with plate and brisket removed.
- (d) Arm chuck of beef: With brisket removed, the back portion to and including the fifth rib.
- (e) Rib of beef: That portion from the sixth rib to the twelfth rib inclusive, not to exceed ten inches from tip of chine bone to top of rib without plate.
- (f) Hindquarter of beef: The rear portion of a side from and including the thirteenth rib, consisting of round, loin, and flank.
- (g) Trimmed loin of beef: Without flank or kidney, that portion consisting of the short loin and hip section of hindquarter including the thirteenth rib and separated one to two inches below the aitch bone.
- (h) Full loin of beef: The trimmed loin, flank, and kidney.
- (i) Round of beef: That portion of hindquarter separated from the loin one to two inches below the aitch bone back to the chine bone.

(27) "Processor" means any person, firm, or corporation which sells, cuts up, processes, slaughters, packages, wraps, stores, or freezes meat or meat products or food and food products for storage in a locker box, a home freezer, or any other freezer unit, and includes any location or establishment that has any one or more of the following facilities: A processing room, a chill room, a storage room, or a sharp freezing facility, and equipment used in conjunction therewith.

(28) "Rabbit" means domesticated rabbit, either fryer or young rabbit or roaster or mature rabbit.

(29) "Regulated product" means any meat or meat product sold as a wholesale cut or as a variety or bundle of cuts and broken down and wrapped for storage in a locker box, home freezer, or any other freezer unit; any food which is sold or given away as an incentive or bonus connected with the sale of meat or meat products; any food product intended for human consumption which is sold or given away as a part of any food plan; any meat or meat product or poultry or poultry product which requires inspection by the U.S. department of agriculture before sale; or any meat or meat product, poultry or poultry product, or rabbit or rabbit product which is intended for human consumption or has been determined to be unfit for human consumption.

(30) "Remodel" or "renovate" means to reconstruct after any demolition or removal of existing structures or parts thereof beyond the scope of ordinary repairs.

(31) "Represent" means the use of any orator written statement, advertisement, label, display, picture, illustration, or sample.

(32) "Retail" or "retail sale" means a sale to an ultimate consumer not intended for resale. For purposes of this article, sales to hotels, restaurants, or institutions are not retail sales.

(33) "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.

(34) "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; five hours or less.

(35) "Slaughterer" means any person regularly engaged in the slaughter of livestock.

(36) "Stockyard" means any place, establishment, or facility commonly known as stockyard, conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures and their appurtenances for the handling, keeping, and holding of livestock for the purpose of sale or shipment.

(37) "Wholesale" means the selling of goods in gross to other wholesalers, to retail dealers, or to anyone who intends to resell; "wholesale" does not include the selling of goods to household consumers of such goods.

(38) "Wholesale cut" means a whole carcass of beef, swine, or sheep, or any part thereof customarily classified as being of commercial size and usually requiring further cutting into cuts of retail size for use by consumers. Wholesale cuts shall be cut to standards as dictated by uniform industry standards for meat cutting and purveyors.

#### **35-33-104. Department of agriculture - powers and duties.**

(1) The department is hereby authorized to formulate reasonable rules and standards of construction, operation, and sanitation for all meat 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 meat 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, and shall establish rules and standards pertaining to the sale of meat or meat products and for food plan operators to the end of protecting the public health and protecting the public from deception, fraud, or unethical sales practices.

(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) The commission is authorized and instructed to adopt applicable rules and regulations of the United States department of agriculture insofar as they relate to the inspection of live animals and the manufacture, labeling, and marking of meat or meat products from meat processing facilities insofar as they can be applied to the meat and meat products manufactured and offered for sale in this state.

(4) The department shall have the right of access, at any reasonable time, during regular working hours, to any premises for the purpose of any examination or inspection necessary to enforce any of the provisions of this article or the rules or regulations promulgated thereunder.

(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 and regulations promulgated thereunder: The commissioner shall rescind such cease and desist order when any matter complained of has been fully corrected. The

rescission of any order shall not operate to prevent the commissioner from taking any other action in accordance with the applicable provisions of article 4 of title 24, C.R.S.

(6) When the commissioner has reasonable cause to believe that any meat or meat product or regulated product is being held, slaughtered, processed, or sold in violation of this article or the rules and regulations promulgated under this article, and when such product endangers the public health, safety, or welfare, he may issue and enforce a written retention order, prohibiting any person from moving, selling, or otherwise disposing of the retained product in any manner without written permission of the commissioner. Within five days of the issuance of any such retention order, the commissioner shall hold a hearing to determine whether the retained product should be condemned or released for sale as food. If the product is found to be diseased or otherwise unfit for human consumption, and such product cannot be brought into compliance with this article, the commissioner shall order that the retained product is inedible meat as defined in article 59 of this title and shall be disposed of in accordance with the provisions of said article.

(7) (Deleted by amendment.)

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

Violations of any of the provisions of this article or any rules and regulations promulgated pursuant to this article or any order of the commissioner issued under the authority of this article may be restrained or enjoined by any court of competent jurisdiction when all administrative remedies have been exhausted' or when the commissioner determines that immediate and irreparable injury, loss, or damage will result from continued violation. The attorney general or the district attorney of the judicial district in which a cause of action arises pursuant to this section, at the request of the commissioner, shall bring an action seeking an order or injunction pursuant to this section.

### **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) Any person licensed and bonded under article 11 of title 12, C.R.S., shall be exempt from the licensing and bonding requirements of this article however, all other provisions of this article shall apply. As to a person licensed under article' 11 of title 12, C.R.S., who engages in activities regulated under this article, the provision of this article governing denial, suspension, or revocation of a license shall apply.

(2) Any retail grocery store in which seventy-five percent or more of the business results from retail sales of products other than bulk meat shall be exempt from the licensing

requirements of this article; however, all other provisions of this article relating to advertising and sale of meat or meat products shall apply.

(3) Any person who holds an establishment number issued by the United States department of agriculture for purposes of inspection and does not sell meat or meat products at retail or engage in the custom processing of meat animals shall be exempt from the requirements of this article; except that any such person shall be subject to the requirements of section 35-33-204.

(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 amendment.)

### **35-33-108. Operators not warehousemen.**

Operators of locker plants or processors or any establishment which processes meat or meat products or food products for frozen storage shall not be construed to be warehousemen.

## PART 2

### CONSTRUCTION AND OPERATION OF PROCESSING FACILITIES

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

(1) The meat processing activities of any facility licensed under this article or under article 11 of title 12, C.R.S., shall be conducted in a safe and sanitary manner.

(2) Only employees of such facility shall be allowed in the processing area while processing is underway. In no case shall anyone other than an employee be allowed or required to assist in any processing, wrapping, or labeling operation.

(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) Poultry shall be slaughtered in accordance with good commercial practices and in a manner that will result in thorough bleeding and assure that breathing has stopped prior to scalding. Rabbits shall be stunned before killing.

(5) Eviscerating shall be conducted in a sanitary manner.

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

(7) All poultry and rabbits shall be chilled immediately after processing so that the internal temperature is reduced to a temperature established by the department by rule and sufficient to protect the public health.

(8) Chilling and draining practices shall be such that moisture absorption and retention are minimized.

(9) (a) Carcasses or parts of carcasses found to be affected with any disease or condition rendering them unfit for human consumption shall be condemned, decharacterized, and disposed of by methods approved by the commissioner.

(b) Decharacterization of adulterated, contaminated, decomposed, or diseased 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 resulting from the custom processing or slaughter of uninspected animals shall be marked "NOT FOR SALE" in letters not less than three eighths of an inch in height. Each uninspected carcass, half, or quarter, must be marked "NOT FOR SALE" with an ink brand before being placed in a freezer unit. Livers, hearts, and tongues must be marked "NOT FOR SALE" with an ink brand before they leave the kill floor. Each package of meat or meat products custom slaughtered or processed shall be marked or coded with the owner's name; the date of wrapping of the package, and the package contents, and shall be labeled "NOT FOR SALE".

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

(1) Every processor of live poultry or rabbits shall maintain records of their purchase and slaughter, including the date of any transaction, the number purchased, processed, or slaughtered, and the name and address of the seller. Such records shall be made available to the commissioner on demand.

(2) Every person operating a facility engaging in the custom processing of meat animals other than poultry and rabbits shall maintain records of all animals processed, the name and address of the seller or owner, and whether the animal processed was inspected by the United States department of agriculture or was exempt from inspection.

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

(1) No processor shall shackle, hoist, or otherwise bring livestock into position for slaughter or shall slaughter or bleed livestock except by humane methods.

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

### **35-33-204. Sale of adulterated or diseased meat.**

(1) Notwithstanding any other provision of this article, it is unlawful for any person to receive for the purpose of slaughter, slaughter, sell, expose for sale, can or pack for the purposes of transportation or sale, or give away for use as human food, any meat which such person knows or has reason to know is:

(a) Adulterated, as defined in section 25-5-410, C.R.S.; or

(b) Diseased or came from the carcass of an animal that died from disease or exposure or was not slaughtered for the purpose of human consumption.

(2) (a) Any person who violates paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(b) Any person who violates paragraph (b) of subsection (1) of this section commits a class 5 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

**35-33-205. Repeal of part.** (Repealed)

PART 3

ADVERTISING AND SALE

**35-33-301. Applicability.**

(1) The provisions of this part 3 shall apply to all sales of regulated products or advertisements containing an offer to sell regulated products:

(a) In bulk, or as a bundle, or as a package of greater than twenty pounds which is cut up and wrapped for cold storage; or

(b) On credit, or subject to an installment or other payment plan or as part of a food plan including cut and packaged meats intended for storage in a locker box, home freezer, or other cold storage facility.

**35-33-302. Advertisements.**

(1) No advertisement shall be subject to change without notice unless so stated in the advertisement.

(2) Any comparison with products other than those advertised shall be with products of the same grade or quality.

(3) The price of any bulk meat shall be quoted per pound.

(4) Any service charge incidental to the preparation of a regulated product for sale which is not included in the price per pound of the product shall be clearly identified as an extra and separate charge. This shall apply, without limitation, to any membership fee or any charge or fee for cutting, freezing, wrapping, storage, or delivery.

(5) No advertisement shall represent that any person employed by or acting for or on behalf of the seller is a nutritionist or home economist unless such person has obtained any applicable government certification or license, or, where no certification or license is applicable, has completed specialized training in such fields or is otherwise technically qualified by experience or training.

(6) No advertisement shall represent that any type or quantity of any regulated product offered for sale is sufficient to meet any nutritional or dietary requirements without disclosing the source of the standards according to which such regulated product is determined to be sufficient.

(7) No advertisement shall represent that any regulated product or service has been approved by any better business bureau, chamber of commerce, service club, financial institution, government agency, or any other civic organization or any official or employee thereof or that the seller is a member of such organization, unless the seller has written

documentation to substantiate the claim which shall be made available upon demand to any buyer or to any agent of the department.

(8) Any representation in any advertisement of the grade or yield of any regulated product offered for sale shall conform to United States department of agriculture standards for the designation of meat grades. The designation "U.S." shall not be used with reference to any product not graded by the United States department of agriculture; except that the term "U.S. Inspected" may be used when the product has been so inspected.

(9) Any advertisement offering to sell meat as a "side", "half", "quarter", or similar unit shall contain the following warning in capital letters: "Meat sold by hanging weight before processing. Actual yield will be less".

(10) Any advertisement offering for sale a "side", "quarter", or "half" of beef and containing a list of primal cuts purportedly from such "side", "half", or "quarter", shall list only primal cuts which are anatomically correct components of the indicated part of the carcass.

(11) No advertisement shall constitute or be a part of a deceptive trade practice as defined in section 6-1-105 (1) (i), (1) (j), (1) (l), or (1) (n), C.R.S.

(12) Any person violating the terms of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(13) Nothing in this section shall be construed to limit or preempt the provisions of article 1 of title 6, C.R.S.

### **35-33-303. Sales contract.**

(1) Any sale of a regulated product subject to this part 3 shall be in writing and shall contain or specify, without limitation:

- (a) The full name and current mailing address of the seller;
- (b) The total price to be paid by the buyer under the contract, including, without limitation, any applicable charges for cutting, freezing, wrapping, packaging, delivery, freezer or locker rental, insurance, and any interest, finance charge, service charge, or membership charge;
- (c) The total weight of any beef cut from a single carcass or otherwise sold as a "side", "half", "quarter", or similar unit, separately itemized, including the total weight of all meat to be delivered under the contract, itemized separate total weights for beef, poultry, and any other meat or meat product;
- (d) A separate itemization of all nonfood charges;
- (e) The make, model number, and cubic-foot capacity of any locker, freezer, or other appliance or facility sold or rented under the contract;
- (f) The exact number, period, and amount of any installments to be paid during the life of the contract or any associated financing agreement;
- (g) The annual percentage rate of any interest, finance, penalty, late fee, delinquency, or other charge that is or may be levied on any outstanding balance;
- (h) If the full balance due under the contract is not paid on delivery, that the contract may be assigned and, upon assignment, may be collected by a third-party assignee;
- (i) A merger clause stating that the contract excludes any terms not expressly contained therein; and
- (j) The signature of the buyer.

**35-33-304. Limitations on contract - delivery.**

(1) Upon execution of a sales contract, the seller shall deliver to the buyer a full and complete copy of such contract together with copies of any warranty, rental, insurance, or other collateral agreement incorporated by reference into the sale contract and a complete written statement of the rules, terms, or conditions applicable to any membership acquired or to any gift or prize for which the buyer has qualified or may in the future qualify by virtue of his execution of the sales contract.

(2) No contract shall use the terms "side", "quarter", "half", or any similar term to describe meat delivered under the contract unless the meat delivered is all from the indicated portion of the same carcass or the contract expressly provides that meat purchased in such a unit will not be cut from the same carcass. Any meat delivered as a "side", "quarter", "half", or similar unit, if not from the same carcass, shall all be of the same grade or quality.

(3) No contract shall contain any provision whereby the buyer agrees to waive any warranties, rights, or defenses he or she may have under article 2 of title 4, C.R.S., or the "Uniform Consumer Credit Code", articles 1 to 9 of title 5, C.R.S.

(4) No provision of this section shall be construed to relieve the seller of any obligation he may otherwise have under article 1 of title 6, C.R.S.

(5) Any contract made in violation of this part 3 shall be unenforceable against the buyer.

**35-33-305. Freezing prior to sale.**

Except for animals being custom slaughtered or processed for the owner and not sold by the processor, perishable products regulated under this article and sold or delivered in quantities of more than twenty-five pounds, unless otherwise requested by the purchaser, must be sharp frozen before delivery to the consumer.

**PART 4****LICENSES - FEES – PENALTIES****35-33-401. License required - application.**

(1) Any person who operates a food plan, locker plant, or meat processing facility shall first obtain a license therefor from the department. A separate license shall be required for each business location or 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.

(2) A license shall not be transferable to a new owner or location. Any change ownership or operation which would require a change in the license application shall require a new application within ten days of such change.

(3) Any person who operates a food plan, locker plant, or meat 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.

**35-33-402. Inspection - issuance of license.**

(1) Upon approval of an application for a license or an annual renewal thereof 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 the provisions of this article and the rules and regulations established pursuant thereto, the department shall issue a license to operate.

(2) The license shall be in such form as the commissioner may prescribe and shall be valid for the period from the date of issuance until the thirtieth day of June next following and, except for good cause shown, shall be renewed annually thereafter.

**35-33-403. License fees - evidence of financial responsibility - repeal.**

(1) (a) (I) Effective July 1, 2003, to and including June 30, 2007, the fee for each license under this article shall be established by the agricultural commission. There shall be no reduction of a license fee for any fractional part of a year.

(II) This paragraph (a) is repealed, effective July 1, 2007.

(b) On and after July 1, 2007, the fee for each license under this article shall be as follows: Locker plants, fifty dollars for each year; processors, fifty dollars for each year; food plan operators, one hundred dollars for each year. There shall be no reduction of a license fee for any fractional part of a year.

(2) 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 or, on or July 1, 2007, to the general fund.

(3) Before any license is issued to any food plan operator, or before the reinstatement of any license suspended or revoked for violations of this article resulting in financial loss suffered by any buyer, the applicant shall file evidence of financial responsibility meeting the requirements of article 35 of title 11, C.R.S., or shall execute and deliver to the commissioner a surety bond in a penal sum determined by the commissioner not to exceed fifty thousand dollars. Such bond shall be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. The bond shall be conditioned upon compliance with all provisions of this article, the faithful fulfillment of all contracts, and the faithful handling, sale, or storage of meat or meat products or the rendering of any service in connection with the handling, sale, advertising, soliciting, or storage of any meat or meat products or frozen food. The bond shall be to the state of Colorado in favor of every consumer purchasing meat or meat products and frozen food. Any consumer entering into a contract or agreement or purchasing any meat or meat products or frozen food and claiming to be injured by the fraud, deceit, or willful negligence of any bonded licensee may bring an action upon said bond against both the principal and surety or, if other evidence of financial responsibility has been filed, may bring an action to recover on any form of financial responsibility in any court of competent jurisdiction to recover damages caused by such fraud, deceit, or willful negligence or the failure to comply with the provisions of this article. Upon any actions being commenced, the commissioner may require the filing of additional evidence of financial responsibility or a new bond and, immediately upon recovery in any action, the licensee shall file new evidence of financial responsibility within ten days.

**35-33-404. License - denial - suspension - revocation.**

(1) Pursuant to the provisions of 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 his application for a license to 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 or regulation promulgated by the commissioner pursuant to this article;

(d) Has allowed any bond or other security required by section 35-33-403 (3) to expire lapse, or be cancelled and has failed to provide evidence of new security within ten days.

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

**35-33-405. Civil penalties - disposition.**

(1) In addition to the criminal penalties prescribed in sections 35-33-204 (2) and 35-33-302 (12), any person who violates provision of 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) The assessment and amount of any penalty under this section shall be left to the discretion of the commissioner, but shall be subject to judicial review at the instance of the party against whom the penalty is assessed. In reviewing any penalty assessed under the section the court shall consider the appropriateness of the penalty to the infraction.. Any penalty assessed under this section may be collected by the department in an action instituted in any court of competent jurisdiction.

(3) Any penalty collected under this section shall be transmitted to the state treasure who shall credit the same to the inspection and consumer services cash fund created in section 3-1-106.5 or, on or after July 1, 2007, to the general fund.

**35-33-406. Penalty for violation.**

Any person who violates the provisions of article or any rule or regulation 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 is repealed, effective July 1, 2009. Prior to such repeal, the licensing functions of the department shall be reviewed as provided for to section 24-34-104, C.R.S.