

Colorado State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 - 2. 8 Colo. Code Regs. § 1202-10
 - ii. Alteration of Dating Labels
 - 1. These regulations prohibit manufacturers from altering “sell-by” labels in certain ways. They are intended to protect transparency and the integrity of the label.
 - 2. 6 Colo. Code Regs. § 1010-2:3-701
 - iii. Date Packaged, Produced, or Harvested
 - 1. These laws require manufacturers to indicate on items the date on which they were harvested, produced, or otherwise packaged and processed. They are intended to inform consumers as to freshness and quality.
 - 2. 8 Colo. Code Regs. § 1202-10
 - iv. Sale of Expired Foods
 - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
 - 2. 8 Colo. Code Regs. § 1202-10
 - b. Shellfish
 - i. Date Labels
 - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
 - 2. 6 Colo. Code Regs. § 1010-2:3-201
 - c. Mushrooms
 - i. Sale of Wild Mushrooms
 - 1. These regulations impose identification requirements on the sale of mushrooms harvested from the wild. Often, they mandate that wild mushrooms must be positively identified by a mushroom identification expert in order to be sold for human consumption in order to protect the public from accidental poisoning caused by the ingestion of toxic mushrooms.
 - 2. 6 CCR 1010-2:3-306
 - d. Oleomargarine (“Margarine”)
 - i. Labeling

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1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
 2. 8 CCR 1202-1:12
- II. Alcohol
- a. Beer, Wine, and Liquor
 - i. Labeling
 1. These laws impose labeling requirements on alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state’s ability to enforce such regulations even if they would otherwise be preempted by PICA.
 2. 1 CCR 203-2:47-905
- III. Drugs
- a. Recreational
 - i. Salvia
 1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
 2. CO ST § 18-18-406.2
- IV. Fishing
- a. None
- V. Wood and Lumber
- a. None
- VI. Home Goods and Products
- a. Furniture and Bedding
 - i. Label Laws
 1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
 2. Colo. Rev. Stat. Ann. § 25-5-307
 - ii. Wood Filler Materials
 1. These laws regulate wool materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Colo. Rev. Stat. Ann. § 25-5-305
 - iii. Down or Feather Filler Materials

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1. These laws regulate down or feather materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
2. Colo. Rev. Stat. Ann. § 25-5-305
- iv. Hair Filler Materials
 1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Colo. Rev. Stat. Ann. § 25-5-305
- v. Animal Fiber Materials
 1. These laws regulate when and how animal fiber materials can be used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Colo. Rev. Stat. Ann. § 25-5-305
- vi. Sterilization and Sanitation Requirements
 1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
 2. Colo. Rev. Stat. Ann. § 25-5-303
 3. Colo. Rev. Stat. Ann. § 25-5-305
- VII. Live Animal Imports
 - a. Aquaculture
 - i. Infectious Salmon Anemia
 1. Infectious salmon anemia (ISA) is a viral disease of Atlantic salmon that affects fish farms, causing severe losses to infected farms. Federal regulations apply only to Maine producers (see 9 C.F.R. § 53.1), but other states have implemented additional laws that prohibit the importation of fish exposed to the disease or otherwise restrict the movement of particular fish.
 2. 2 CCR 406-0:014
 - ii. Aquaculture Import and Disease Reporting
 1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
 2. 2 CCR 406-0:014
 - iii. Viral Hemorrhagic Septicemia
 1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing

state-level regulation was effective and sufficient to limit spread of the disease.

2. 2 CCR 406-0:014

b. Birds

i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

2. 8 CCR 1201-20:7

c. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.

2. 8 CCR 1201-19:2

3. 8 CCR 1201-19:1

4. 8 CCR 1201-19:12

5. <https://www.colorado.gov/pacific/sites/default/files/UPDATED%20Reportable%20Disease%20List.pdf>

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. 8 CCR 1201-19

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the

inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

2. 2 CCR 406-0:007

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. 8 CCR 1201-19:2

3. 8 CCR 1201-19:1

4. 8 CCR 1201-19:12

5. [https://www.colorado.gov/pacific/sites/default/files/atoms/files/UPDATED% 20Reportable%20Disease%20List.pdf](https://www.colorado.gov/pacific/sites/default/files/atoms/files/UPDATED%20Reportable%20Disease%20List.pdf)

d. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. 8 CCR 1201-17:3

e. Bees

i. Bee Quarantines

1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.

2. 8 CCR 1203-4:l

f. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the

importation of horses, often requiring a negative EIA test prior to import.

2. 8 CCR 1201-19:8

g. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

2. 8 CCR 1201-16:2

h. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. 3 CCR § 796.4

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.

2. 8 CCR 1201-19:2

3. 8 CCR 1201-19:1

4. 8 CCR 1201-19:12

5. [https://www.colorado.gov/pacific/sites/default/files/atoms/files/UPDATED% 20Reportable%20Disease%20List.pdf](https://www.colorado.gov/pacific/sites/default/files/atoms/files/UPDATED%20Reportable%20Disease%20List.pdf)

i. Exotic Meats

i. Camelids: Camel, Alpaca, and Llama

1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.

2. 2 CCR 406-0:007

VIII. Companion Animals

a. Dogs and Cats

i. Minimum Age at Sale

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1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 2. C.R.S.A. § 35-80-108
- IX. Products for Animals
- a. None
- X. Dead Animals and Animal Parts
- a. None
- XI. Invasive Pests, Plants, and Disease
- a. None
- XII. Procurement
- a. Agricultural Goods
 1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 2. C.R.S.A. § 24-103-906-9
 3. C.R.S.A. § 24-103-907
- XIII. General Prohibitions
- a. None
- XIV. Miscellaneous
- a. None