

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0671.01 Jennifer Berman x3286

SENATE BILL 16-062

SENATE SPONSORSHIP

Marble, Grantham, Neville T., Lambert, Woods, Holbert, Lundberg, Scheffel, Cooke, Crowder, Hill, Martinez Humenik, Sonnenberg, Tate

HOUSE SPONSORSHIP

Becker J. and Vigil, Saine, Brown, Everett, Willett, Ransom, Wist, Sias, Nordberg, Joshi, Lundeen, Klingenschmitt, Buck, Navarro, Neville P., Humphrey

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE REGULATION OF VETERINARY**
102 **PHARMACEUTICALS, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

Section 1 of the bill requires the governor to appoint at least 2 members to the state board of pharmacy (board) who are engaged in the practice of, or otherwise professionally interested in, veterinary medicine or animal agriculture.

Section 2 removes the sale of veterinary devices from the board's

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 10, 2016

SENATE
Amended 2nd Reading
March 9, 2016

regulatory purview.

Section 3 reduces the civil penalty a person faces for unlawfully distributing a veterinary drug to a civil penalty of \$50 to \$500 for a single violation and a maximum of \$5,000 for multiple violations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-42.5-104, **amend**

3 (1) (a) as follows:

4 **12-42.5-104. Membership of board - removal - compensation**

5 **- meetings.** (1) (a) The board is composed of THE FOLLOWING NINE

6 MEMBERS:

7 (I) Five licensed pharmacists, each having at least five years'

8 experience in this state and actively engaged in the practice of pharmacy

9 in this state;

10 (II) ONE LICENSED VETERINARIAN WHO PREDOMINANTLY WORKS

11 ON LARGE ANIMALS, HAVING AT LEAST FIVE YEARS' EXPERIENCE IN THIS

12 STATE AND ACTIVELY ENGAGED IN THE PRACTICE OF VETERINARY

13 MEDICINE, EXCEPT THAT, IF, AFTER A GOOD-FAITH EFFORT, THE GOVERNOR

14 DETERMINES THAT:

15 (A) THERE IS NOT A SUITABLE APPLICANT FOR MEMBERSHIP THAT

16 MEETS THE ELIGIBILITY CRITERIA SET FORTH IN THIS SUBPARAGRAPH (II),

17 THE GOVERNOR MAY APPOINT ONE ADDITIONAL LICENSED

18 PHARMACEUTICAL WHOLESALER WHO MEETS THE ELIGIBILITY CRITERIA

19 SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a); OR

20 (B) THERE IS NEITHER A SUITABLE APPLICANT FOR MEMBERSHIP

21 THAT MEETS THE ELIGIBILITY CRITERIA FOR A VETERINARIAN, AS SET

22 FORTH IN THIS SUBPARAGRAPH (II), OR A PHARMACEUTICAL WHOLESALER,

23 AS SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), THE

1 GOVERNOR MAY APPOINT ANOTHER HEALTH CARE PROFESSIONAL
2 LICENSED UNDER THIS TITLE;

3 (III) ONE LICENSED PHARMACEUTICAL WHOLESALER ENGAGED IN
4 THE DISTRIBUTION OF ANIMAL DRUGS, HAVING AT LEAST FIVE YEARS'
5 EXPERIENCE IN THIS STATE AND ACTIVELY ENGAGED IN THE PRACTICE OF
6 WHOLESALE PHARMACY, EXCEPT THAT, IF, AFTER A GOOD-FAITH EFFORT,
7 THE GOVERNOR DETERMINES THAT:

8 (A) THERE IS NOT A SUITABLE APPLICANT FOR MEMBERSHIP THAT
9 MEETS THE ELIGIBILITY CRITERIA SET FORTH IN THIS SUBPARAGRAPH (III),
10 THE GOVERNOR MAY APPOINT ONE ADDITIONAL LICENSED VETERINARIAN
11 WHO MEETS THE ELIGIBILITY CRITERIA SET FORTH IN SUBPARAGRAPH (II)
12 OF THIS PARAGRAPH (a); OR

13 (B) THERE IS NEITHER A SUITABLE APPLICANT FOR MEMBERSHIP
14 THAT MEETS THE ELIGIBILITY CRITERIA FOR A LICENSED PHARMACEUTICAL
15 WHOLESALER ENGAGED IN THE DISTRIBUTION OF ANIMAL DRUGS, AS SET
16 FORTH IN THIS SUBPARAGRAPH (III), OR A LICENSED VETERINARIAN, AS SET
17 FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE GOVERNOR
18 MAY APPOINT ANOTHER TYPE OF LICENSED PHARMACEUTICAL
19 WHOLESALER; and

20 (IV) Two nonpharmacists AND NONVETERINARIANS who have no
21 financial interest in the practice of pharmacy OR THE PRACTICE OF
22 VETERINARY MEDICINE.

23 **SECTION 2.** In Colorado Revised Statutes, 12-42.5-107, **amend**
24 (2) as follows:

25 **12-42.5-107. Drugs, devices, and other materials.** (2) The
26 board is responsible for the control and regulation of the sale of devices
27 at retail; EXCEPT THAT THE BOARD SHALL NOT REGULATE THE SALE OF ANY

1 DISPOSABLE VETERINARY DEVICE. THE BOARD MAY ALSO EXEMPT FROM
2 REGULATION VETERINARY DEVICES:

3 (a) THAT ARE REGULATED BY THE FDA; OR

4 (b) FOR WHICH THE BOARD DETERMINES REGULATION IS
5 UNNECESSARY.

6 **SECTION 3.** In Colorado Revised Statutes, 12-42.5-124, **amend**
7 (5) (a) (I); and **add** (5) (a) (III) as follows:

8 **12-42.5-124. Disciplinary actions.** (5) (a) (I) Except as provided
9 in ~~subparagraph~~ SUBPARAGRAPHS (II) AND (III) of this paragraph (a), in
10 addition to any other penalty the board may impose pursuant to this
11 section, the board may fine any registrant violating this article or any rules
12 promulgated pursuant to this article not less than five hundred dollars and
13 not more than five thousand dollars for each violation.

14 (III) (A) THE BOARD, AFTER PROVIDING NOTICE AND AN
15 OPPORTUNITY TO BE HEARD, MAY FINE A REGISTRANT WHO DISTRIBUTES
16 A VETERINARY DRUG IN VIOLATION OF THIS ARTICLE NOT LESS THAN FIFTY
17 DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION,
18 WITH A MAXIMUM AGGREGATED FINE OF FIVE THOUSAND DOLLARS FOR
19 MULTIPLE VIOLATIONS.

20 (B) IN SETTING A FINE, THE BOARD SHALL CONSIDER THE
21 REGISTRANT'S ABILITY TO PAY. IF THE BOARD DETERMINES THAT PAYING
22 THE FINE WOULD CAUSE THE REGISTRANT AN UNDUE HARDSHIP, THE
23 BOARD SHALL WAIVE THE FINE.

24 **SECTION 4. Appropriation.** For the 2016-17 state fiscal year,
25 \$5,220 is appropriated to the department of regulatory agencies for use by
26 the division of professions and occupations. This appropriation is from
27 the division of professions and occupations cash fund created in section

1 24-34-105 (2) (b) (I), C.R.S. To implement this act, the division may use
2 this appropriation for operating expenses.

3 **SECTION 5. Effective date - applicability.** This act takes effect
4 July 1, 2016, and applies to offenses committed on or after said date.

5 **SECTION 6. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.