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HOUSE BILL 26-1198

BY REPRESENTATIVE(S) McCormick and Winter T., Bacon, Barron, Boesenecker, Brown, Caldwell, Clifford, Duran, Gonzalez R., Hamrick, Johnson, Keltie, Lindsay, Lukens, Richardson, Smith, Stewart K., McCluskie, Flanell, Goldstein, Lieder, Marshall, Nguyen, Valdez, Weinberg, Woodrow;
also SENATOR(S) Cutter and Pelton R., Catlin, Exum, Frizell, Kipp, Kirkmeyer, Liston, Marchman, Roberts, Weissman, Coleman.

CONCERNING INCREASING ACCESS TO VETERINARY CARE, AND, IN CONNECTION THEREWITH, EXPEDITING THE PROCESS BY WHICH A VETERINARIAN IS LICENSED BY ENDORSEMENT, CLARIFYING THE USE OF PRESCRIPTION DRUGS AND COMPOUNDED DRUGS BY VETERINARIANS, AND ESTABLISHING A PROGRAM FOR THE DONATION OF VETERINARY DRUGS.

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

SECTION 1. In Colorado Revised Statutes, 12-315-105, **amend** (3); and **add** (2)(b)(IV) as follows:

12-315-105. License requirements and exceptions - practice of veterinary medicine - prescriptions - definitions - rules.

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.

(2)(b)(IV) A VETERINARIAN WHO ADMINISTERS, DISTRIBUTES, DISPENSES, OR PRESCRIBES A PRESCRIPTION DRUG IN ACCORDANCE WITH THIS SUBSECTION (2)(b) IS NOT CONDUCTING THE PRACTICE OF PHARMACY, AS DEFINED IN SECTION 12-280-103 (39), IS NOT ACTING AS A PHARMACIST, AS DEFINED IN SECTION 12-280-103 (35), AND IS NOT SUBJECT TO DISCIPLINE BY THE STATE BOARD OF PHARMACY CREATED IN SECTION 12-280-104 SOLELY FOR ADMINISTERING, DISTRIBUTING, DISPENSING, OR PRESCRIBING A PRESCRIPTION DRUG IN ACCORDANCE WITH THIS SUBSECTION (2)(b).

(3) If a veterinarian complies with the requirements of section ~~12-280-121~~ **12-315-128 (2) AND (3)**, the veterinarian may maintain an office stock of compounded drugs. As used in this subsection (3), "office stock" has the same meaning as set forth in section 12-280-121 (5)(b).

SECTION 2. In Colorado Revised Statutes, **amend** 12-315-109 as follows:

12-315-109. License by endorsement - rules.

(1) The board may issue a license by endorsement to engage in the practice of veterinary medicine in this state to an applicant who satisfies the requirements of the occupational credential portability program.

(2) THE BOARD SHALL REVIEW AND UPDATE EXISTING PROCEDURES RELATED TO THE PROCESS BY WHICH AN INDIVIDUAL IS LICENSED BY ENDORSEMENT IN ACCORDANCE WITH THIS SECTION AND SHALL ADOPT RULES WITH THE INTENT TO EXPEDITE THE LICENSURE BY ENDORSEMENT PROCESS, WHICH MAY INCLUDE ELIMINATING DUPLICATIVE REQUIREMENTS AND STREAMLINING THE PATHWAY TO LICENSURE.

SECTION 3. In Colorado Revised Statutes, **add with amended and relocated provisions** 12-315-128 as follows:

12-315-128. Compounding drugs for veterinary use - dispensing of drugs by veterinarian - rules - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "COMPOUNDED" MEANS THE PREPARATION, MIXING, ASSEMBLING, PACKAGING, OR LABELING OF A DRUG OR DEVICE:

(A) AS A RESULT OF A VETERINARIAN'S PRESCRIPTION DRUG ORDER, CHART ORDER, OR INITIATIVE, BASED ON THE RELATIONSHIP BETWEEN THE VETERINARIAN, PATIENT, AND PHARMACIST IN THE COURSE OF PROFESSIONAL PRACTICE; OR

(B) FOR THE PURPOSE OF, OR AS AN INCIDENT TO, RESEARCH, TEACHING, OR CHEMICAL ANALYSIS AND NOT FOR SALE OR DISPENSING.

(II) "COMPOUNDED" ALSO INCLUDES THE PREPARATION OF DRUGS OR DEVICES IN ANTICIPATION OF PRESCRIPTION DRUG ORDERS BASED ON ROUTINE, REGULARLY OBSERVED PRESCRIBING PATTERNS.

(b) "DRUG" HAS THE MEANING SET FORTH IN SECTION 12-280-103 (16).

(c) "OFFICE STOCK" HAS THE MEANING SET FORTH IN SECTION 12-280-121 (5)(b).

(d) "PRESCRIPTION DRUG OUTLET" HAS THE MEANING SET FORTH IN SECTION 12-280-121 (5)(c).

(2) [Formerly 12-280-121 (2)] (a) A veterinarian may dispense a compounded drug maintained as part of the veterinarian's office stock pursuant to subsection (1) of this section only if

(†) the compounded drug is necessary for the treatment of ~~an animal~~ A patient's emergency condition. ~~and~~

~~(H) As determined by the veterinarian, the veterinarian cannot access, in a timely manner, the compounded drug through a registered prescription drug outlet.~~

(b) A veterinarian shall not dispense a compounded drug pursuant to this section in an amount greater than the amount required to treat ~~an animal patient's emergency condition for five days~~ A PATIENT'S CONDITION.

(3) [Formerly 12-280-121 (3)] A licensed veterinarian shall not

administer or dispense a compounded drug maintained for office stock pursuant to this section ~~or for office use pursuant to section 12-280-120 (6)(b)~~ without a valid veterinarian-client-patient relationship in place at the time of administering the compounded drug to ~~an animal~~ A patient or dispensing the compounded drug to a client.

(4) A VETERINARIAN MAY COMPOUND AND DISPENSE COMPOUNDED DRUGS FOR ANY PATIENT FOR WHICH THE VETERINARIAN HAS A VETERINARIAN-CLIENT-PATIENT RELATIONSHIP AND THE VETERINARIAN DETERMINES THAT IT IS DESIRABLE OR NECESSARY FOR THE TREATMENT OF THE PATIENT'S CONDITION.

(5) THE BOARD MAY ADOPT ANY RULES NECESSARY TO IMPLEMENT AND ADMINISTER THIS SECTION.

SECTION 4. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** 12-280-121 (2) and (3).

SECTION 5. In Colorado Revised Statutes, 12-315-201, **amend** (1)(a)(I) as follows:

12-315-201. Additional board duties - rules - repeal.

(1) In addition to any other duties specified in this part 2 and sections 12-315-105.5 and 12-315-106, the board shall:

(a) Approve a nationally recognized veterinary technician credentialing organization for purposes of credentialing veterinary technicians in this state. The credentialing organization approved by the board must:

(I) Require the completion of an ~~American Veterinary Medical Association-accredited~~ ACCREDITED program for veterinary technicians;

SECTION 6. In Colorado Revised Statutes, **add** 12-315-127 as follows:

12-315-127. Veterinary drug donation program - rules.

(1) AN OWNER OF AN ANIMAL MAY DONATE A PRESCRIPTION DRUG

THAT IS DISPENSED FOR BUT NOT USED BY THE ANIMAL TO A LICENSED VETERINARIAN OR ANIMAL SHELTER IN WHICH VETERINARY MEDICINE IS PRACTICED IF THE LICENSED VETERINARIAN OR ANIMAL SHELTER ACCEPTS THE DRUG.

(2) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, A LICENSED VETERINARIAN MAY REISSUE A DONATED DRUG ACCEPTED PURSUANT TO THIS SECTION TO FILL OTHER PRESCRIPTIONS DISPENSED BY THE LICENSED VETERINARIAN FREE OF CHARGE FOR AN ANIMAL IF:

(a) THE LICENSED VETERINARIAN DETERMINES THAT THE OWNER OF THE ANIMAL IS ELIGIBLE FOR THE REISSUANCE OF THE DRUG;

(b) THE LICENSED VETERINARIAN DETERMINES THAT THE DRUG IS SUITABLE FOR REISSUANCE;

(c) THE DRUG WAS ORIGINALLY DISPENSED BY A LICENSED VETERINARIAN OR A LICENSED PHARMACIST;

(d) THE DRUG IS NOT A CONTROLLED SUBSTANCE;

(e) THE DRUG IS NOT A COMPOUNDED DRUG;

(f) THE DRUG DOES NOT REQUIRE REFRIGERATION BEFORE OPENING;

(g) THE DRUG IS NOT IN A LIQUID FORM OR, IF IN LIQUID FORM, THE DRUG IS PACKAGED IN AN UNOPENED VIAL OR A SINGLE-DOSE UNOPENED AMPULE;

(h) THE DRUG IS NOT EXPIRED;

(i) THE PACKAGING OR BOTTLE CONTAINS THE EXPIRATION DATE OF THE DRUG; AND

(j) THE NAME OF THE ANIMAL, THE NAME OF THE OWNER OF THE ANIMAL FOR WHICH THE DRUG WAS ORIGINALLY DISPENSED, THE PRESCRIPTION NUMBER, AND ANY OTHER IDENTIFYING MARKS OR INFORMATION ARE OBLITERATED FROM THE PACKAGING OR BOTTLE BEFORE THE DRUG IS REISSUED.

(3) A LICENSED VETERINARIAN SHALL:

(a) IDENTIFY AND MAINTAIN SEPARATELY FROM OTHER STOCK A DONATED DRUG ACCEPTED PURSUANT TO THIS SECTION; AND

(b) MAKE A RECORD OF EACH DONATED DRUG ACCEPTED PURSUANT TO THIS SECTION THAT INCLUDES, AT MINIMUM:

(I) THE DATE ON WHICH THE DRUG WAS DONATED;

(II) THE NAME OF THE PERSON THAT DONATED THE DRUG;

(III) THE ANIMAL FOR WHICH THE DRUG WAS ORIGINALLY PRESCRIBED AND THE NAME OF THE OWNER OF THE ANIMAL; AND

(IV) THE EXPIRATION DATE OF THE DRUG.

(4) A LICENSED VETERINARIAN SHALL NOT:

(a) SELL OR RESELL A DONATED DRUG ACCEPTED PURSUANT TO THIS SECTION; OR

(b) DISPENSE A DONATED DRUG ACCEPTED PURSUANT TO THIS SECTION TO FILL OTHER PRESCRIPTIONS DISPENSED BY THE LICENSED VETERINARIAN FOR AN ANIMAL IF THE ANIMAL IS RAISED TO PRODUCE FOOD FOR HUMAN CONSUMPTION OR THE ANIMAL IS ORDINARILY CONSUMED BY ANIMALS THAT ARE RAISED TO PRODUCE FOOD FOR HUMAN CONSUMPTION.

(5) (a) A LICENSED VETERINARIAN, ANIMAL SHELTER IN WHICH VETERINARY MEDICINE IS PRACTICED, OR OTHER PERSON THAT EXERCISES REASONABLE CARE IN DONATING OR ACCEPTING, DISTRIBUTING, OR DISPENSING A DONATED DRUG IN ACCORDANCE WITH THIS SECTION AND ANY RULES ADOPTED PURSUANT TO THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR DISCIPLINARY ACTION BY A PROFESSIONAL LICENSING BOARD FOR ANY LOSS, INJURY, OR DEATH THAT RESULTS FROM THE DONATION OF A DRUG OR THE ACCEPTANCE, DISTRIBUTION, OR DISPENSATION OF THE DONATED DRUG.

(b) A MANUFACTURER OF A DRUG IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY FOR ANY CLAIM OR INJURY ARISING FROM THE

DONATION OF THE DRUG OR ACCEPTANCE, DISTRIBUTION, OR DISPENSATION OF THE DONATED DRUG PURSUANT TO THIS SECTION AND ANY RULES ADOPTED PURSUANT TO THIS SECTION.

(6) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT THIS SECTION, INCLUDING:

(a) REQUIREMENTS FOR ISSUING DONATED DRUGS PURSUANT TO THIS SECTION, INCLUDING REQUIREMENTS THAT PROVIDE APPROPRIATE SAFEGUARDS FOR ENSURING THAT THE DRUGS ARE NOT COMPROMISED OR ILLEGALLY DIVERTED BEFORE BEING REISSUED;

(b) REQUIREMENTS FOR A LICENSED VETERINARIAN'S OR ANIMAL SHELTER'S ACCEPTANCE OF DONATED DRUGS; AND

(c) REQUIREMENTS FOR MAINTAINING RECORDS RELATED TO THE ACCEPTANCE AND USE OF DONATED DRUGS TO FILL OTHER PRESCRIPTIONS PURSUANT TO THIS SECTION.

SECTION 7. In Colorado Revised Statutes, 12-280-119, **amend** (12)(b) and (12)(c) as follows:

12-280-119. Registration of facilities - rules.

(12) (b) The board may issue a limited license to an animal shelter or animal control agency to perform the activities described in section ~~12-280-120 (17)~~ **12-315-128 (4)**.

(c) The board shall adopt rules as necessary to ensure strict compliance with this subsection (12) and section ~~12-280-120 (17)~~ **12-315-128 (4)** and, in conjunction with the state board of veterinary medicine, shall develop criteria for training individuals in the administration of the drug or combination of drugs.

SECTION 8. In Colorado Revised Statutes, 12-280-127, **amend** (1)(b) as follows:

12-280-127. Disciplinary actions.

(1) (b) The board may suspend or revoke a registration issued

pursuant to section 12-280-119 (12) upon determination that the person administering a drug or combination of drugs to an animal has not demonstrated adequate knowledge required by sections 12-280-119 (12) and ~~12-280-120 (17)~~ **12-315-128 (4)**.

SECTION 9. Act subject to petition - effective date. This act takes effect January 1, 2027; 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 the ninety-day period after final adjournment of the general assembly, 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 2026 and, in such case, will take effect January 1, 2027, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO