

## CHAPTER 238

---

**AGRICULTURE**


---

**HOUSE BILL 04-1015**

BY REPRESENTATIVE(S) Pommer, Brophy, Frangas, Hoppe, Madden, Marshall, Merrifield, Miller, Paccione, Plant, and Weismann;  
also SENATOR(S) Johnson S. and Tupa.

**AN ACT**

**CONCERNING THE AUTHORIZATION OF SPECIFIED PERSONS TO OBTAIN DRUGS COMMONLY USED IN CONNECTION WITH ANIMAL CONTROL ACTIVITIES, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 12-22-304 (3) (b), Colorado Revised Statutes, is amended to read:

**12-22-304. License required - controlled substances - repeal.** (3) (b) ~~On and after July 1, 1979,~~ A humane society ~~which~~ THAT is duly registered with the secretary of state and has been in existence and in business for at least five years in this state as a nonprofit corporation, or an animal control agency ~~which~~ THAT is operated by a unit of government, may apply to the board for a license for the ~~sole purpose~~ PURPOSES of being authorized to purchase, possess, and administer sodium pentobarbital, or sodium pentobarbital in combination with other ~~noncontrolled~~ prescription drugs ~~which~~ THAT are medically recognized for euthanasia, to euthanize injured, sick, homeless, or unwanted pets and animals AND TO PURCHASE, POSSESS, AND ADMINISTER DRUGS COMMONLY USED FOR THE CHEMICAL CAPTURE OF ANIMALS FOR CONTROL PURPOSES OR TO SEDATE OR IMMOBILIZE PET ANIMALS IMMEDIATELY PRIOR TO EUTHANASIA. Any society or agency so licensed shall not permit a person to administer SCHEDULED CONTROLLED SUBSTANCES, sodium pentobarbital, or sodium pentobarbital in combination with other noncontrolled prescription drugs ~~which~~ THAT are medically recognized for euthanasia unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering ~~the~~ SUCH drug OR COMBINATION OF DRUGS. The board may issue a limited license to carry out the provisions of this subsection (3). The board shall issue such rules as it deems necessary to ensure strict compliance with the provisions of this subsection (3) and shall, ~~develop~~ in conjunction with the state board of veterinary medicine, DEVELOP criteria for training individuals in the administration

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

of ~~the~~ SUCH DRUG OR COMBINATION OF DRUGS. The board may suspend or revoke the license upon determination that the person administering ~~sodium pentobarbital~~ SUCH DRUG OR COMBINATION OF DRUGS has not demonstrated adequate knowledge required by this subsection (3). Nothing in this subsection (3) shall be construed to apply to a licensed veterinarian.

**SECTION 2.** 18-13-123 (4), Colorado Revised Statutes, is amended to read:

**18-13-123. Unlawful administration of gamma hydroxybutyrate (GHB) or ketamine.** (4) (a) It shall not be a violation of this section if gamma hydroxybutyrate (GHB) or ketamine is distributed or dispensed for bona fide medical needs by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense such substances.

(b) IT SHALL NOT BE A VIOLATION OF THIS SECTION IF KETAMINE IS DISTRIBUTED OR DISPENSED BY OR UNDER THE DIRECTION OF SUCH AUTHORIZED PERSON FOR USE BY A HUMANE SOCIETY THAT IS DULY REGISTERED WITH THE SECRETARY OF STATE AND HAS BEEN IN EXISTENCE AND IN BUSINESS FOR AT LEAST FIVE YEARS IN THIS STATE AS A NONPROFIT CORPORATION, OR BY AN ANIMAL CONTROL AGENCY THAT IS OPERATED BY A UNIT OF GOVERNMENT TO CONTROL ANIMALS AND TO EUTHANIZE INJURED, SICK, HOMELESS, OR UNWANTED PETS OR ANIMALS, IF SUCH HUMANE SOCIETY OR ANIMAL CONTROL AGENCY IS LICENSED PURSUANT TO SECTION 12-22-304, C.R.S.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created pursuant to section 24-34-105, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2004, the sum of two thousand nine hundred four dollars (\$2,904), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 4. Effective date.** This act shall take effect July 1, 2004.

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

Approved: May 21, 2004