

SB062_L.007

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.SB16-062 be amended as follows:

1 Amend reengrossed bill, page 2, strike lines 2 through 23 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, add 12-42.5-104.5
3 as follows:

4 **12-42.5-104.5. Veterinary pharmaceutical advisory committee**
5 **- creation - appointments - rules.** (1) (a) THERE IS CREATED IN THE
6 DEPARTMENT OF REGULATORY AGENCIES THE VETERINARY
7 PHARMACEUTICAL ADVISORY COMMITTEE COMPRISED OF THREE MEMBERS,
8 ONE MEMBER OF WHICH IS ONE OF THE NONPHARMACIST MEMBERS OF THE
9 BOARD WHOM THE BOARD WILL APPOINT TO THE ADVISORY COMMITTEE,
10 WITH THE OTHER TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR
11 OF THE DEPARTMENT OF REGULATORY AGENCIES, IN CONSULTATION WITH
12 THE BOARD OF VETERINARY MEDICINE CREATED IN SECTION 12-64-105, AS
13 FOLLOWS:

14 (I) ONE MEMBER WHO IS A LICENSED VETERINARIAN WHO
15 PREDOMINANTLY WORKS ON LARGE ANIMALS, HAVING AT LEAST FIVE
16 YEARS' EXPERIENCE IN THIS STATE AND ACTIVELY ENGAGED IN THE
17 PRACTICE OF VETERINARY MEDICINE; AND

18 (II) ONE LICENSED PHARMACEUTICAL WHOLESALER ENGAGED IN
19 THE DISTRIBUTION OF ANIMAL DRUGS, HAVING AT LEAST FIVE YEARS'
20 EXPERIENCE IN THIS STATE AND ACTIVELY ENGAGED IN THE PRACTICE OF
21 WHOLESALE PHARMACY.

22 (b) (I) THE TWO MEMBERS OF THE ADVISORY COMMITTEE WHO ARE
23 NOT ON THE BOARD SERVE THREE-YEAR TERMS. OF THE TWO MEMBERS
24 INITIALLY APPOINTED TO THE ADVISORY COMMITTEE WHO DO NOT SERVE
25 ON THE BOARD, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
26 REGULATORY AGENCIES SHALL APPOINT ONE MEMBER FOR A TWO-YEAR
27 TERM AND ONE MEMBER FOR A THREE-YEAR TERM. THE BOARD MEMBER
28 INITIALLY APPOINTED TO THE ADVISORY COMMITTEE SERVES FOR THE
29 DURATION OF HIS OR HER BOARD TERM, AND THE BOARD SHALL APPOINT
30 HIS OR HER SUCCESSOR OR THE OTHER NONPHARMACIST BOARD MEMBER
31 AS A REPLACEMENT MEMBER OF THE ADVISORY COMMITTEE, WHO SHALL
32 SERVE ON THE ADVISORY COMMITTEE FOR THE DURATION OF HIS OR HER
33 TERM ON THE BOARD.

34 (II) IF THERE IS A VACANCY ON THE ADVISORY COMMITTEE, THE
35 EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE BOARD OF
36 VETERINARY MEDICINE, SHALL APPOINT A SUCCESSOR TO FILL THE
37 UNEXPIRED PORTION OF THE MEMBER'S TERM; EXCEPT THAT A VACANCY



1 OF THE SEAT ON THE ADVISORY BOARD THAT WAS FILLED BY ONE OF THE
2 NONPHARMACIST BOARD MEMBERS SHALL BE FILLED BY THE BOARD WITH
3 EITHER THE OTHER NONPHARMACIST BOARD MEMBER OR, IF THE VACANCY
4 WAS CAUSED BY A VACANCY ON THE BOARD, BY ANY SUCCESSOR
5 NONPHARMACIST BOARD MEMBER.

6 (c) (I) THE ADVISORY COMMITTEE SHALL ELECT A MEMBER TO
7 SERVE AS CHAIR OF THE ADVISORY COMMITTEE. THE ADVISORY
8 COMMITTEE SHALL MEET AS REQUIRED BY THE BOARD IN ACCORDANCE
9 WITH SUBSECTION (2) OF THIS SECTION.

10 (II) MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT
11 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

12 (III) PURSUANT TO SECTION 24-18-108.5, C.R.S., A MEMBER OF
13 THE ADVISORY COMMITTEE SHALL NOT PERFORM AN OFFICIAL ACT THAT
14 MAY HAVE A DIRECT ECONOMIC BENEFIT ON A BUSINESS OR OTHER
15 UNDERTAKING IN WHICH THE MEMBER HAS A DIRECT OR SUBSTANTIAL
16 FINANCIAL INTEREST.

17 (d) THE DEPARTMENT OF REGULATORY AGENCIES SHALL PROVIDE
18 STAFF ASSISTANCE TO THE ADVISORY COMMITTEE.

19 (2)(a) UNLESS A MATTER PRESENTED TO THE BOARD CONSTITUTES
20 AN EMERGENCY REQUIRING PROMPT RESOLUTION, THE BOARD SHALL
21 REFER THE FOLLOWING MATTERS THAT CONCERN VETERINARY
22 PHARMACEUTICALS TO THE ADVISORY COMMITTEE FOR A
23 RECOMMENDATION ON HOW THE BOARD SHOULD PROCEED ON THE
24 MATTER:

25 (I) WHETHER AND TO WHAT EXTENT ACTION, IF ANY, SHOULD BE
26 TAKEN ON AN INVESTIGATION INTO OR COMPLAINT OF AN ALLEGED
27 VIOLATION OF THIS ARTICLE, INCLUDING WHETHER TO:

28 (A) SUSPEND OR REVOKE A LICENSE OR REGISTRATION;

29 (B) IMPOSE A FINE AGAINST A LICENSEE OR REGISTRANT;

30 (C) SEEK A RESTRAINING ORDER OR INJUNCTION IN CIVIL COURT
31 AGAINST A PERSON; OR

32 (D) PURSUE OTHER DISCIPLINARY ACTION AGAINST A LICENSEE,
33 REGISTRANT, OR OTHER PERSON;

34 (II) REVIEW OF LICENSE AND REGISTRATION APPLICATIONS AND
35 RENEWAL, REACTIVATION, AND REINSTATEMENT APPLICATIONS; AND

36 (III) PROMULGATION OF RULES.

37 (b) UPON BEING REFERRED A MATTER BY THE BOARD, THE
38 ADVISORY COMMITTEE SHALL MEET AS SOON AS PRACTICABLE TO REVIEW
39 THE MATTER. THE BOARD SHALL SHARE ALL DOCUMENTS, RECORDINGS,
40 AND OTHER MATERIALS THAT ARE RELEVANT TO THE MATTER REFERRED
41 WITH THE ADVISORY COMMITTEE FOR THE ADVISORY COMMITTEE'S REVIEW

1 OF THE MATTER. THE ADVISORY COMMITTEE SHALL TREAT ALL SHARED
2 MATERIALS AS CONFIDENTIAL. THE ADVISORY COMMITTEE SHALL PROVIDE
3 THE BOARD A WRITTEN RECOMMENDATION ON HOW THE BOARD SHOULD
4 PROCEED ON THE MATTER REFERRED, SETTING FORTH ITS FINDINGS AND
5 CONCLUSIONS.

6 (c) THE BOARD SHALL ADOPT THE ADVISORY COMMITTEE'S
7 RECOMMENDATION ON A REFERRED MATTER UNLESS THE BOARD
8 DETERMINES THAT THERE EXISTS MATERIAL AND SUBSTANTIAL EVIDENCE
9 OR INFORMATION RELATED TO THE MATTER THAT WARRANTS A
10 RESOLUTION OF THE MATTER THAT IS DISTINCT FROM THE ADVISORY
11 COMMITTEE'S RECOMMENDATION. IF THE BOARD DEVIATES FROM THE
12 ADVISORY COMMITTEE'S RECOMMENDATION, THE BOARD SHALL MAKE A
13 RECORD OF THE REASONS FOR THE DEVIATION.

14 (3) THE BOARD, IN CONSULTATION WITH THE BOARD OF
15 VETERINARY MEDICINE, MAY PROMULGATE RULES TO IMPLEMENT THIS
16 SECTION.

17 (4)(a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

18 (b) BEFORE THE REPEAL OF THIS SECTION, THE DEPARTMENT OF
19 REGULATORY AGENCIES SHALL REVIEW THE ADVISORY COMMITTEE
20 PURSUANT TO SECTION 2-3-1203, C.R.S."

21 Page 3, strike lines 1 through 22.

22 Page 4, after line 23 insert:

23 "SECTION 4. In Colorado Revised Statutes, 2-3-1203, add (3)
24 (mm) (II) as follows:

25 **2-3-1203. Sunset review of advisory committees.** (3) The
26 following dates are the dates on which the statutory authorization for the
27 designated advisory committee is scheduled for repeal:

28 (mm) September 1, 2026:

29 (II) THE VETERINARY PHARMACEUTICAL ADVISORY COMMITTEE,
30 CREATED IN SECTION 12-42.5-104.5, C.R.S."

31 Renumber succeeding sections accordingly.

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