

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE REGULATION OF VETERINARY**
102 **PHARMACEUTICALS.**

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 regulatory purview.

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.*

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.

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

SECTION 1. In Colorado Revised Statutes, 12-42.5-104, **amend**
(1) (a) as follows:

**12-42.5-104. Membership of board - removal - compensation
- meetings.** (1) (a) The board is composed of THE FOLLOWING NINE
MEMBERS:

(I) Five licensed pharmacists, each having at least five years'
experience in this state and actively engaged in the practice of pharmacy
in this state;

(II) ONE LICENSED VETERINARIAN WHO PREDOMINANTLY WORKS
ON LARGE ANIMALS, HAVING AT LEAST FIVE YEARS' EXPERIENCE IN THIS
STATE AND ACTIVELY ENGAGED IN THE PRACTICE OF VETERINARY
MEDICINE, EXCEPT THAT, IF, AFTER A GOOD-FAITH EFFORT, THE GOVERNOR
DETERMINES THAT:

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

(B) THERE IS NEITHER A SUITABLE APPLICANT FOR MEMBERSHIP
THAT MEETS THE ELIGIBILITY CRITERIA FOR A VETERINARIAN, AS SET
FORTH IN THIS SUBPARAGRAPH (II), OR A PHARMACEUTICAL WHOLESALER,
AS SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), THE
GOVERNOR MAY APPOINT ANOTHER HEALTH CARE PROFESSIONAL

1 LICENSED UNDER THIS TITLE;

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

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

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

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

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

24 **12-42.5-107. Drugs, devices, and other materials.** (2) The
25 board is responsible for the control and regulation of the sale of devices
26 at retail; EXCEPT THAT THE BOARD SHALL NOT REGULATE THE SALE OF ANY
27 DISPOSABLE VETERINARY DEVICE. THE BOARD MAY ALSO EXEMPT FROM

1 REGULATION VETERINARY DEVICES:

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

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

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

7 **12-42.5-124. Disciplinary actions.** (5) (a) (I) Except as provided
8 in ~~subparagraph~~ SUBPARAGRAPHS (II) AND (III) of this paragraph (a), in
9 addition to any other penalty the board may impose pursuant to this
10 section, the board may fine any registrant violating this article or any rules
11 promulgated pursuant to this article not less than five hundred dollars and
12 not more than five thousand dollars for each violation.

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

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

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

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