

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 18, 2016  
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB16-062 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

1 INITIALLY APPOINTED TO THE ADVISORY COMMITTEE WHO DO NOT SERVE  
2 ON THE BOARD, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
3 REGULATORY AGENCIES SHALL APPOINT ONE MEMBER FOR A TWO-YEAR  
4 TERM AND ONE MEMBER FOR A THREE-YEAR TERM. THE BOARD MEMBER  
5 INITIALLY APPOINTED TO THE ADVISORY COMMITTEE SERVES FOR THE  
6 DURATION OF HIS OR HER BOARD TERM, AND THE BOARD SHALL APPOINT  
7 HIS OR HER SUCCESSOR OR THE OTHER NONPHARMACIST BOARD MEMBER  
8 AS A REPLACEMENT MEMBER OF THE ADVISORY COMMITTEE, WHO SHALL  
9 SERVE ON THE ADVISORY COMMITTEE FOR THE DURATION OF HIS OR HER  
10 TERM ON THE BOARD.

11 (II) IF THERE IS A VACANCY ON THE ADVISORY COMMITTEE, THE  
12 EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE BOARD OF  
13 VETERINARY MEDICINE, SHALL APPOINT A SUCCESSOR TO FILL THE  
14 UNEXPIRED PORTION OF THE MEMBER'S TERM; EXCEPT THAT A VACANCY  
15 OF THE SEAT ON THE ADVISORY BOARD THAT WAS FILLED BY ONE OF THE  
16 NONPHARMACIST BOARD MEMBERS SHALL BE FILLED BY THE BOARD WITH  
17 EITHER THE OTHER NONPHARMACIST BOARD MEMBER OR, IF THE VACANCY  
18 WAS CAUSED BY A VACANCY ON THE BOARD, BY ANY SUCCESSOR  
19 NONPHARMACIST BOARD MEMBER.

20 (c) (I) THE ADVISORY COMMITTEE SHALL ELECT A MEMBER TO  
21 SERVE AS CHAIR OF THE ADVISORY COMMITTEE. THE ADVISORY  
22 COMMITTEE SHALL MEET AS REQUIRED BY THE BOARD IN ACCORDANCE  
23 WITH SUBSECTION (2) OF THIS SECTION.

24 (II) MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT  
25 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

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

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

33 (2)(a) UNLESS A MATTER PRESENTED TO THE BOARD CONSTITUTES  
34 AN EMERGENCY REQUIRING PROMPT RESOLUTION, THE BOARD SHALL  
35 REFER THE FOLLOWING MATTERS THAT CONCERN VETERINARY  
36 PHARMACEUTICALS TO THE ADVISORY COMMITTEE FOR A  
37 RECOMMENDATION ON HOW THE BOARD SHOULD PROCEED ON THE  
38 MATTER:

39 (I) WHETHER AND TO WHAT EXTENT ACTION, IF ANY, SHOULD BE  
40 TAKEN ON AN INVESTIGATION INTO OR COMPLAINT OF AN ALLEGED

1 VIOLATION OF THIS ARTICLE, INCLUDING WHETHER TO:  
2 (A) SUSPEND OR REVOKE A LICENSE OR REGISTRATION;  
3 (B) IMPOSE A FINE AGAINST A LICENSEE OR REGISTRANT, WHETHER  
4 THE VIOLATION IS EGREGIOUS, AND THE AMOUNT OF ANY FINE  
5 RECOMMENDED;  
6 (C) SEEK A RESTRAINING ORDER OR INJUNCTION IN CIVIL COURT  
7 AGAINST A PERSON; OR  
8 (D) PURSUE OTHER DISCIPLINARY ACTION AGAINST A LICENSEE,  
9 REGISTRANT, OR OTHER PERSON;  
10 (II) REVIEW OF LICENSE AND REGISTRATION APPLICATIONS AND  
11 RENEWAL, REACTIVATION, AND REINSTATEMENT APPLICATIONS; AND  
12 (III) PROMULGATION OF RULES.  
13 (b) UPON BEING REFERRED A MATTER BY THE BOARD, THE  
14 ADVISORY COMMITTEE SHALL MEET AS SOON AS PRACTICABLE TO REVIEW  
15 THE MATTER. THE BOARD SHALL SHARE ALL DOCUMENTS, RECORDINGS,  
16 AND OTHER MATERIALS THAT ARE RELEVANT TO THE MATTER REFERRED  
17 WITH THE ADVISORY COMMITTEE FOR THE ADVISORY COMMITTEE'S REVIEW  
18 OF THE MATTER. THE ADVISORY COMMITTEE SHALL TREAT ALL SHARED  
19 MATERIALS AS CONFIDENTIAL. THE ADVISORY COMMITTEE SHALL PROVIDE  
20 THE BOARD A WRITTEN RECOMMENDATION ON HOW THE BOARD SHOULD  
21 PROCEED ON THE MATTER REFERRED, SETTING FORTH ITS FINDINGS AND  
22 CONCLUSIONS.  
23 (c) THE BOARD SHALL ADOPT THE ADVISORY COMMITTEE'S  
24 RECOMMENDATION ON A REFERRED MATTER UNLESS THE BOARD  
25 DETERMINES THAT THERE EXISTS MATERIAL AND SUBSTANTIAL EVIDENCE  
26 OR INFORMATION RELATED TO THE MATTER THAT WARRANTS A  
27 RESOLUTION OF THE MATTER THAT IS DISTINCT FROM THE ADVISORY  
28 COMMITTEE'S RECOMMENDATION. IF THE BOARD DEVIATES FROM THE  
29 ADVISORY COMMITTEE'S RECOMMENDATION, THE BOARD SHALL MAKE A  
30 RECORD OF THE REASONS FOR THE DEVIATION.  
31 (3) THE BOARD, IN CONSULTATION WITH THE BOARD OF  
32 VETERINARY MEDICINE, MAY PROMULGATE RULES TO IMPLEMENT THIS  
33 SECTION.  
34 (4)(a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.  
35 (b) BEFORE THE REPEAL OF THIS SECTION, THE DEPARTMENT OF  
36 REGULATORY AGENCIES SHALL REVIEW THE ADVISORY COMMITTEE  
37 PURSUANT TO SECTION 2-3-1203, C.R.S."

38 Page 3, strike lines 1 through 22.

1 Page 4, line 19, strike "VIOLATIONS." and substitute "VIOLATIONS; EXCEPT  
2 THAT, IF, AFTER CONSIDERING THE RECOMMENDATIONS OF THE ADVISORY  
3 COMMITTEE CREATED IN SECTION 12-42.5-104.5, THE BOARD DETERMINES  
4 THAT THE REGISTRANT HAS COMMITTED ONE OR MORE EGREGIOUS  
5 VIOLATIONS, THE BOARD MAY FINE THE REGISTRANT IN ACCORDANCE WITH  
6 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).".

7 Page 4, after line 23 insert:

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

10 **2-3-1203. Sunset review of advisory committees.** (3) The  
11 following dates are the dates on which the statutory authorization for the  
12 designated advisory committee is scheduled for repeal:

13 (mm) September 1, 2026:

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

16 Renumber succeeding sections accordingly.

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