

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 25, 2016

Date

Committee on Agriculture, Natural Resources, & Energy.

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 of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 5 through 13 and substitute
2 "- **meetings.** (1) (a) The board is composed of THE FOLLOWING NINE
3 MEMBERS:
4 (I) Five licensed pharmacists, each having at least five years'
5 experience in this state and actively engaged in the practice of pharmacy
6 in this state;
7 (II) ONE LICENSED VETERINARIAN WHO PREDOMINANTLY WORKS
8 ON LARGE ANIMALS, HAVING AT LEAST FIVE YEARS' EXPERIENCE IN THIS
9 STATE AND ACTIVELY ENGAGED IN THE PRACTICE OF VETERINARY
10 MEDICINE, EXCEPT THAT, IF, AFTER A GOOD-FAITH EFFORT, THE GOVERNOR
11 DETERMINES THAT:
12 (A) THERE IS NOT A SUITABLE APPLICANT FOR MEMBERSHIP THAT
13 MEETS THE ELIGIBILITY CRITERIA SET FORTH IN THIS SUBPARAGRAPH (II),
14 THE GOVERNOR MAY APPOINT ONE ADDITIONAL LICENSED
15 PHARMACEUTICAL WHOLESALER WHO MEETS THE ELIGIBILITY CRITERIA
16 SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a); OR
17 (B) THERE IS NEITHER A SUITABLE APPLICANT FOR MEMBERSHIP
18 THAT MEETS THE ELIGIBILITY CRITERIA FOR A VETERINARIAN, AS SET
19 FORTH IN THIS SUBPARAGRAPH (II), OR A PHARMACEUTICAL WHOLESALER,
20 AS SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), THE
21 GOVERNOR MAY APPOINT ANOTHER HEALTH CARE PROFESSIONAL
22 LICENSED UNDER THIS TITLE;
23 (III) ONE LICENSED PHARMACEUTICAL WHOLESALER ENGAGED IN
24 THE DISTRIBUTION OF ANIMAL DRUGS, HAVING AT LEAST FIVE YEARS'

1 EXPERIENCE IN THIS STATE AND ACTIVELY ENGAGED IN THE PRACTICE OF
2 WHOLESAL PHARMACY, EXCEPT THAT, IF, AFTER A GOOD-FAITH EFFORT,
3 THE GOVERNOR DETERMINES THAT:

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

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

16 (IV) Two nonpharmacists AND NONVETERINARIANS who have no
17 financial interest in the practice of pharmacy OR THE PRACTICE OF
18 VETERINARY MEDICINE."

19 Page 2, strike line 19 and substitute "DISPOSABLE VETERINARY DEVICE.
20 THE BOARD MAY ALSO EXEMPT FROM REGULATION VETERINARY DEVICES:

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

22 (b) FOR WHICH THE BOARD DETERMINES REGULATION IS
23 UNNECESSARY."

24 Page 3, strike line 4 and substitute:

25 "(III) (A) THE BOARD, AFTER PROVIDING NOTICE AND AN
26 OPPORTUNITY TO BE HEARD, MAY FINE A REGISTRANT WHO DISTRIBUTES
27 A".

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29 Page 3, after line 8 insert:

30 "(B) IN SETTING A FINE, THE BOARD SHALL CONSIDER THE
31 REGISTRANT'S ABILITY TO PAY. IF THE BOARD DETERMINES THAT PAYING
32 THE FINE WOULD CAUSE THE REGISTRANT AN UNDUE HARDSHIP, THE
33 BOARD SHALL WAIVE THE FINE."

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