

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-1041.02 Jennifer Berman x3286

HOUSE BILL 17-1274

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

Baumgardner,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE LIMITED CIRCUMSTANCES UNDER WHICH A**
102 **VETERINARIAN MAY USE A COMPOUNDED PHARMACEUTICAL**
103 **DRUG FOR THE TREATMENT OF AN ANIMAL PATIENT THAT IS A**
104 **FOOD ANIMAL.**

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://leg.colorado.gov>.)

House Bill 16-1324 allowed a veterinarian to maintain an office stock of compounded drugs, which are drugs that are combined, mixed, or otherwise altered to create a specific drug or formulation, for later

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.

distribution or administration to animal patients. The bill defines "food animal" and sets forth the limited circumstances under which a veterinarian may administer a compounded drug to, or dispense a compounded drug for, a food animal. The bill further clarifies that references to "patient" set forth in House Bill 16-1324 refer to an "animal patient".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-42.5-118.5,
3 **amend** (2)(a)(I), (2)(b), (3), (5)(b)(II), and (5)(b)(III); **repeal** (5)(c); and
4 **add** (5)(a.5) as follows:

5 **12-42.5-118.5. Compounding drugs for office use by a**
6 **veterinarian - rules - definitions.** (2) (a) A veterinarian may dispense
7 a compounded drug maintained as part of the veterinarian's office stock
8 pursuant to subsection (1) of this section only if:

9 (I) The compounded drug is necessary for the treatment of a AN
10 ANIMAL patient's emergency condition; and

11 (b) A veterinarian shall not dispense a compounded drug pursuant
12 to this section in an amount greater than the amount required to treat a AN
13 ANIMAL patient's emergency condition for five days.

14 (3) (a) A licensed veterinarian shall not administer or dispense a
15 compounded drug maintained for office stock pursuant to this section or
16 for office use pursuant to section 12-42.5-118 (6)(b)(II) ~~without~~ UNLESS:

17 (I) THERE IS a valid veterinarian-client-patient relationship in
18 place at the time of administering the compounded drug to an animal
19 patient or dispensing the compounded drug to a client; AND

20 (II) THE COMPOUNDED DRUG IS ADMINISTERED OR DISPENSED IN
21 COMPLIANCE WITH THE REQUIREMENTS AND LIMITATIONS FOR
22 EXTRA-LABEL DRUG USE IN ANIMALS, INCLUDING FOOD ANIMALS, SET

1 FORTH IN THE FEDERAL "ANIMAL MEDICINAL DRUG USE CLARIFICATION
2 ACT OF 1994", AS AMENDED, PUB.L. 103-396, AND 21 CFR 530.

3 (b) A LICENSED VETERINARIAN SHALL NOT ADMINISTER A
4 COMPOUNDED DRUG TO, OR DISPENSE A COMPOUNDED DRUG FOR, A FOOD
5 ANIMAL UNLESS THE COMPOUNDED DRUG IS BEING USED FOR THE FOOD
6 ANIMAL AS:

7 (I) A POISON ANTIDOTE;

8 (II) A EUTHANASIA AGENT; OR

9 (III) A METHOD USED FOR SPECIES DEPOPULATION.

10 (5) As used in this section, unless the context otherwise requires:

11 (a.5) "FOOD ANIMAL" MEANS AN ANIMAL RAISED FOR HUMAN OR
12 ANIMAL CONSUMPTION.

13 (b) "Office stock" means the storage of a compounded drug:

14 (II) Without a specific ANIMAL patient indicated to receive the
15 compounded drug; and

16 (III) That the veterinarian may subsequently administer to a AN
17 ANIMAL patient or dispense to a client.

18 (c) ~~"Patient" means a companion animal, as that term is defined
19 by rule by the board of veterinary medicine, in consultation with the board
20 of pharmacy.~~

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.