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An Act

HOUSE BILL 22-1235

BY REPRESENTATIVE(S) McCormick and Catlin, Holtorf, Lontine, Lynch, McLachlan, Pelton, Roberts, Titone, Valdez D., Will, Burnett, Bird, Cutter, Duran, Esgar, Gonzales-Gutierrez, Gray, Jodeh, Kipp, Lindsay, McCluskie, Mullica, Pico;
also SENATOR(S) Ginal, Lee.

CONCERNING THE CONTINUATION OF THE REGULATION OF VETERINARY PRACTICE BY THE STATE BOARD OF VETERINARY MEDICINE, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2021 SUNSET REPORT ON THE "COLORADO VETERINARY PRACTICE ACT" BY THE DEPARTMENT OF REGULATORY AGENCIES, ADDING REGISTRATION REQUIREMENTS FOR VETERINARY TECHNICIANS, ADDING VETERINARY TECHNICIANS TO THE STATE BOARD OF VETERINARY MEDICINE, ALLOWING CERTAIN UNLICENSED INDIVIDUALS TO ADMINISTER RABIES VACCINATIONS, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **amend** 12-315-118 as follows:

12-315-118. Repeal of article - subject to review. This article 315

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

is repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2033. Before the repeal, the board is scheduled for review in accordance with section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (23)(a)(II); and **add** (34)(a)(V) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (23) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2022:

(II) ~~The state board of veterinary medicine created in article 315 of title 12;~~

(34) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2033:

(V) THE STATE BOARD OF VETERINARY MEDICINE CREATED IN ARTICLE 315 OF TITLE 12.

SECTION 3. In Colorado Revised Statutes, 12-20-404, **amend** (1)(d)(II)(M) as follows:

12-20-404. Disciplinary actions - regulator powers - disposition of fines - mistreatment of at-risk adult. (1) **General disciplinary authority.** If a regulator determines that an applicant, licensee, certificate holder, or registrant has committed an act or engaged in conduct that constitutes grounds for discipline or unprofessional conduct under a part or article of this title 12 governing the particular profession or occupation, the regulator may:

(d) (II) A regulator is not authorized under this subsection (1)(d) to refuse to renew the license, certification, or registration of a licensee, certificate holder, or registrant regulated under the following:

(M) Article 315 of this title 12 concerning veterinarians AND VETERINARY TECHNICIANS.

SECTION 4. In Colorado Revised Statutes, 12-20-407, **amend**

(1)(a)(V)(W) as follows:

12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions. (1) (a) A person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 if the person:

(V) Practices or offers or attempts to practice any of the following professions or occupations without an active license, certification, or registration issued under the part or article of this title 12 governing the particular profession or occupation:

(W) Veterinary medicine OR AS A VETERINARY TECHNICIAN, as regulated under article 315 of this title 12.

SECTION 5. In Colorado Revised Statutes, 12-20-408, **amend** (1)(f) as follows:

12-20-408. Judicial review. (1) Except as specified in subsection (2) of this section, the court of appeals has initial jurisdiction to review all final actions and orders of a regulator that are subject to judicial review and shall conduct the judicial review proceedings in accordance with section 24-4-106 (11); except that, with regard only to cease-and-desist orders, a district court of competent jurisdiction has initial jurisdiction to review a final action or order of a regulator that is subject to judicial review and shall conduct the judicial review proceedings in accordance with section 24-4-106 (3) for the following:

(f) Article 315 of this title 12 concerning veterinarians AND VETERINARY TECHNICIANS.

SECTION 6. In Colorado Revised Statutes, 12-30-108, **repeal** (4)(b)(II) as follows:

12-30-108. Confidential agreement to limit practice - violation grounds for discipline. (4) (b) Subsection (1)(a) of this section regarding notification for confidential agreements does not apply to:

(II) ~~Article 315 of this title 12 concerning veterinarians.~~

SECTION 7. In Colorado Revised Statutes, 12-30-109, **amend**

(4)(f) as follows:

12-30-109. Prescriptions - limitations - definition - rules. (4) As used in this section, "prescriber" means:

(f) A veterinarian licensed pursuant to PART 1 OF article 315 of this title 12.

SECTION 8. In Colorado Revised Statutes, 12-315-104, **amend** (11); and **add** (1.5), (10.5), (21.5), (24), and (25) as follows:

12-315-104. Definitions. As used in this article 315, unless the context otherwise requires:

(1.5) "ANIMAL SHELTER" HAS THE MEANING SET FORTH IN SECTION 35-80-102.

(10.5) "INDIRECT SUPERVISION" MEANS SUPERVISION IN WHICH THE SUPERVISING LICENSED VETERINARIAN DIRECTS OR SUPERVISES THE AUTHORIZED DELEGATED TREATMENT OR COLLECTION OF DIAGNOSTIC INFORMATION OF A PATIENT AT VETERINARY PREMISES WITHOUT BEING ON THE PREMISES BUT BEING READILY AVAILABLE FOR COMMUNICATION.

(11) "Licensed veterinarian" means a person licensed pursuant to ~~this article 315~~ PART 1.

(21.5) "VETERINARY PROFESSIONAL" MEANS A VETERINARIAN LICENSED PURSUANT TO PART 1 OF THIS ARTICLE 315 AND A VETERINARY TECHNICIAN REGISTERED PURSUANT TO PART 2 OF THIS ARTICLE 315.

(24) "VETERINARY TECHNICIAN" MEANS A VETERINARY TECHNICIAN REGISTERED PURSUANT TO PART 2 OF THIS ARTICLE 315.

(25) "VETERINARY TECHNICIAN CREDENTIALING ORGANIZATION" OR "CREDENTIALING ORGANIZATION" MEANS:

(a) A VETERINARY TECHNICIAN CREDENTIALING ORGANIZATION APPROVED BY THE BOARD PURSUANT TO SECTION 12-315-201 TO CREDENTIAL VETERINARY TECHNICIANS IN THIS STATE; OR

(b) THE BOARD IF, PURSUANT TO SECTION 12-315-201 (2), NO CREDENTIALING ORGANIZATION IS APPROVED.

SECTION 9. In Colorado Revised Statutes, 12-315-105, **amend** (1) introductory portion and (1)(b); **repeal** (1)(k); and **add** (1)(q) as follows:

12-315-105. License requirements and exceptions - definitions - rules. (1) ~~No~~ A person ~~may~~ SHALL NOT practice veterinary medicine in this state if the person is not a licensed veterinarian. ~~No~~ A person ~~may~~ SHALL NOT practice artificial insemination or ova transplantation of cattle or other animal species in this state except in accordance with section 12-315-106 (5)(c). This article 315 does not prohibit:

(b) A person who is a ~~regular~~ VETERINARY student OR VETERINARY STUDENT PRECEPTOR in an approved school of veterinary medicine from performing duties or actions ~~assigned by the student's instructors or working under the direct supervision of a licensed veterinarian~~ AS DESCRIBED IN SECTION 12-315-116;

(k) ~~A veterinary student or veterinary student preceptor from performing those acts permitted by this article 315;~~

(q)(I)(A) A PERSON FROM ADMINISTERING A RABIES VACCINE TO AN ANIMAL IF THE PERSON IS UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN AND HAS BEEN TRAINED IN RABIES VACCINE STORAGE, HANDLING, AND ADMINISTRATION AND IN THE MANAGEMENT OF ADVERSE EVENTS; OR

(B) A PERSON WORKING ON BEHALF OF AN ANIMAL SHELTER FROM ADMINISTERING A RABIES VACCINE TO ANIMAL SHELTER-OWNED ANIMALS IF THE PERSON IS UNDER THE INDIRECT SUPERVISION OF A LICENSED VETERINARIAN AND HAS BEEN TRAINED IN RABIES VACCINE STORAGE, HANDLING, AND ADMINISTRATION AND IN THE MANAGEMENT OF ADVERSE EVENTS.

(II) THE VETERINARIAN SIGNING THE RABIES VACCINATION CERTIFICATE SHALL ENSURE THAT THE PERSON WHO ADMINISTERED THE VACCINE PURSUANT TO THIS SUBSECTION (1)(q) IS IDENTIFIED ON THE CERTIFICATE.

SECTION 10. In Colorado Revised Statutes, 12-315-106, **amend** (1), (2), (5)(a), (5)(b), (5)(d), (5)(g), and (7) as follows:

12-315-106. Board of veterinary medicine - creation - powers - rules. (1) There is hereby created a state board of veterinary medicine consisting of ~~seven~~ NINE members appointed by the governor. Each member shall be appointed for a term of four years. The governor shall appoint members of the board from qualified persons as described in subsection (2) of this section. The governor shall appoint members to fill vacancies on the board caused by death, resignation, or removal for the balance of the unexpired term. ~~No~~ A person shall NOT serve more than two consecutive four-year terms. A person appointed to serve out the balance of an unexpired term may be reappointed for an additional consecutive four-year term. Members of the board may remain on the board until a successor is appointed.

(2) The governor shall appoint:

(a) Five members to the board who:

(I) Are graduates of a school of veterinary medicine; ~~who~~

(II) Are residents of this state; and ~~who~~

(III) Have been licensed to practice veterinary medicine in this state for the five years preceding the time of the appointment; ~~The governor shall appoint~~

(b) NOT LATER THAN MARCH 1, 2023, TWO MEMBERS TO THE BOARD WHO ARE RESIDENTS OF THIS STATE AND WHO, FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING THE TIME OF APPOINTMENT:

(I) HAVE BEEN CERTIFIED BY A COLORADO ASSOCIATION OF VETERINARY TECHNICIANS; AND

(II) HAVE BEEN PRACTICING AS VETERINARY TECHNICIANS IN THIS STATE; AND

(c) Two members to the board from the public at large who have no financial or professional association with the veterinary profession.

(5) The board has the power to:

(a) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine OR FOR REGISTRATION AS A VETERINARY TECHNICIAN in this state;

(b) Pursuant to section 12-20-404, issue, renew, deny, suspend, or revoke licenses to practice veterinary medicine OR REGISTRATIONS OF VETERINARY TECHNICIANS in the state or otherwise discipline or fine, or both, licensees OR REGISTRANTS consistent with this article 315 and the rules adopted by the board under this article 315;

(d) Establish, pursuant to section 12-20-105, and publish annually a schedule of fees for licensing and registration of veterinarians AND VETERINARY TECHNICIANS. The board shall base the fee on its anticipated financial requirements for the year.

(g) Adopt, amend, or repeal rules in accordance with section 12-20-204. The board shall adopt rules to establish a uniform system and schedule of fines that it may impose on licensees OR REGISTRANTS for violations of this article 315 or of rules adopted pursuant to this article 315.

(7) The powers of the board are granted to enable the board to effectively supervise the practice of veterinary medicine AND OF VETERINARY TECHNICIANS and are to be construed liberally to accomplish this objective.

SECTION 11. In Colorado Revised Statutes, 12-315-107, **amend** (3)(a) as follows:

12-315-107. Application for license - qualifications - rules.

(3) The board may deny a license or may grant a license subject to terms of probation if the board determines that an applicant for a license:

(a) Does not possess the qualifications required by this ~~article 315~~ PART 1;

SECTION 12. In Colorado Revised Statutes, 12-315-110, **amend** (1) and (3)(a) as follows:

12-315-110. License renewal - waiver - rules - continuing education. (1) All licenses issued pursuant to this ~~article 315~~ PART 1 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). A person whose license expires is subject to the penalties provided in this ~~article 315~~ PART 1 or section 12-20-202 (1).

(3) (a) (I) In order to obtain license renewal, each licensee, except as otherwise provided, must complete a board-approved veterinary continuing educational program of at least thirty-two hours biennially. The courses may be taken at any time during the period since the license was last renewed and before the license is due to be renewed. The licensee shall provide satisfactory proof of the completion of all delinquent continuing education requirements. For good cause, the board may prescribe the type and character of continuing education courses to be taken by any doctor of veterinary medicine in order to comply with the requirements of this ~~article 315~~ PART 1.

(II) THE BOARD-APPROVED CONTINUING EDUCATIONAL PROGRAM MUST:

(A) REQUIRE TWO HOURS OF JURISPRUDENCE ON THE "COLORADO VETERINARY PRACTICE ACT" BIENNIALY; AND

(B) PERMIT A LICENSEE TO TAKE UP TO SIXTEEN HOURS OF CONTINUING EDUCATION COURSES IN NONBIOMEDICAL TOPICS, WHICH TOPICS MAY INCLUDE CLIENT COMMUNICATION, MANAGEMENT, LEADERSHIP, AND OTHER TOPICS THAT SUPPORT VETERINARY PRACTICE AND A HIGHLY FUNCTIONAL VETERINARY WORKFORCE.

SECTION 13. In Colorado Revised Statutes, 12-315-111, **amend** (2) as follows:

12-315-111. Inactive license. (2) The board may pursue disciplinary proceedings pursuant to section 12-315-112 against a veterinarian whose license is in inactive status pursuant to this section for conduct that violates this ~~article 315~~ PART 1 that the person engages in while in inactive status.

SECTION 14. In Colorado Revised Statutes, 12-315-112, **amend**

(1) introductory portion, (1)(a), (1)(p), (1)(ee), (2), (4), and (6) as follows:

12-315-112. Discipline of licensees. (1) Upon receipt of a signed complaint by a complainant or upon its own motion, the board may proceed to a hearing in ~~conformity~~ ACCORDANCE with section 12-315-113. After a hearing, and by a concurrence of a majority of members, the board may take disciplinary or other action as authorized in section 12-20-404 against an applicant FOR A LICENSE or a licensed veterinarian for any of the following reasons:

(a) Violation of any ~~provisions~~ PROVISION of this article 315, an applicable provision of article 20 or 30 of this title 12, or any ~~rules~~ RULE OR ORDER of the board;

(p) Conviction of a crime in the courts of this state or of a crime in any other state, any territory, or any other country for an offense related to the conduct regulated by this ~~article 315~~ PART 1, regardless of whether the sentence is deferred. For the purposes of AS USED IN this subsection (1)(p), "CONVICTION" INCLUDES a plea of guilty or a plea of nolo contendere accepted by the court. ~~shall be considered as a conviction.~~

(ee) Failure to properly supervise a veterinary student, A VETERINARY STUDENT PRECEPTOR, A VETERINARY TECHNICIAN, or OTHER veterinary staff;

(2) The board may send a letter of admonition ~~by certified mail~~, to a licensee under the circumstances specified in and in accordance with section 12-20-404 (4).

(4) The record of conviction of a felony in a court of competent jurisdiction shall be sufficient evidence for the disciplinary action to be taken as may be deemed proper by the board. For the purposes of this ~~article 315~~ PART 1, a conviction shall be deemed to be a conviction that has been upheld by the highest appellate court having jurisdiction or a conviction upon which the time for filing an appeal has passed.

(6) In addition to any other penalty that may be imposed pursuant to this section, any person violating ~~any provision of this article 315~~ PART 1 or any rules promulgated pursuant to this ~~article 315~~ PART 1 may be fined not less than one hundred dollars nor more than one thousand dollars for any

such violation.

SECTION 15. In Colorado Revised Statutes, 12-315-114, **amend** (2) and (3) as follows:

12-315-114. Unauthorized practice - penalties. (2) Any person who practices or offers or attempts to practice veterinary medicine without an active license issued under this ~~article 315~~ PART 1 is subject to penalties pursuant to section 12-20-407 (1)(a).

(3) The board or a citizen of this state may bring an action to enjoin a person from practicing veterinary medicine without a currently valid license. If the court finds that the person is violating, or is threatening to violate, this ~~article 315,~~ it PART 1, THE COURT may enter an injunction restraining ~~him or her~~ THE PERSON from the unlawful acts.

SECTION 16. In Colorado Revised Statutes, **amend** 12-315-115 as follows:

12-315-115. Abandonment of animals - definition. (1) An animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care that is unclaimed by its owner or the owner's agent for more than ten days after written notice, by certified mail, return receipt requested, is given to the addressee at the last-known address is deemed to be abandoned and may be turned over to the nearest ~~humane society~~ or animal shelter or disposed of in a manner deemed appropriate by the custodian.

(2) The giving of notice to the owner, or the agent of the owner, of the animal by the licensed veterinarian, as provided in subsection (1) of this section, shall relieve the licensed veterinarian and any custodian to whom the animal may be given of any further liability for disposal. The procedure by the licensed veterinarian shall not constitute grounds for disciplining procedure under this ~~article 315~~ PART 1.

(3) ~~For the purpose of this article 315~~ AS USED IN THIS SECTION, the term "abandoned" means to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or the owner's agent. Abandonment constitutes the relinquishment of all rights and claims by the owner to the animal.

SECTION 17. In Colorado Revised Statutes, 12-315-116, **amend** (1) introductory portion and (2) as follows:

12-315-116. Veterinary students and veterinary student preceptors. (1) All duties OR ACTIONS performed by a veterinary student OR VETERINARY STUDENT PRECEPTOR must be ASSIGNED BY THE STUDENT'S INSTRUCTOR OR BE PERFORMED under the direct supervision of a licensed veterinarian. If the student does not conform to the following requirements, the licensed veterinarian is in violation of this ~~article 315~~ PART 1. A veterinary student OR VETERINARY STUDENT PRECEPTOR may:

(2) It is unlawful for a veterinary student OR VETERINARY STUDENT PRECEPTOR to participate in the operation of a branch office, clinic, VETERINARY PREMISES, or allied establishment unless the veterinary student OR VETERINARY STUDENT PRECEPTOR is under the direct supervision of a licensed veterinarian.

SECTION 18. In Colorado Revised Statutes, 12-315-119, **amend** (3)(b) as follows:

12-315-119. Veterinary records in custody of animal care providers - definition - rules. (3) (b) (I) All practicing veterinarians in this state shall maintain accurate records for every new or existing veterinarian-client-patient relationship. In the animal patient records, the licensed veterinarian shall justify and describe the assessment, diagnosis, and treatment administered or prescribed and all medications and dosages prescribed in a legible, written, printed, or electronically prepared document that is unalterable. The licensed veterinarian shall prepare the records in a manner that allows any subsequent evaluation of the same animal patient record to yield comprehensive medical, patient, and veterinarian identifying information. Licensed veterinarians shall maintain animal patient records for a minimum of three years after the animal patient's last medical examination.

(II) AS PART OF THE REQUIREMENT IN SUBSECTION (3)(b)(I) OF THIS SECTION FOR ALL PRACTICING VETERINARIANS IN THIS STATE TO MAINTAIN ACCURATE RECORDS, EACH VETERINARIAN SHALL CREATE A WRITTEN PLAN FOR THE STORAGE, SECURITY, AND DISPOSAL OF PATIENT RECORDS TO ENSURE THAT PATIENT RECORDS ARE SECURELY STORED AND DISPOSED OF WHEN NECESSARY.

SECTION 19. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 12-315-123 as follows:

12-315-123. Veterinary peer health assistance program - fees - administration - rules. (1) Veterinary peer health assistance program.

(a) THERE IS CREATED THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM TO PROVIDE ASSISTANCE TO VETERINARY PROFESSIONALS NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR ABILITY TO PRACTICE UNDER THIS ARTICLE 315. THE BOARD SHALL SELECT ONE OR MORE VETERINARY PEER HEALTH ASSISTANCE PROGRAM DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR DESIGNATION BY THE BOARD, A PROVIDER MUST:

(I) PROVIDE FOR THE EDUCATION OF VETERINARY PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES ESTABLISHED BY THE BOARD BY RULE;

(II) OFFER ASSISTANCE TO A VETERINARY PROFESSIONAL IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;

(III) EVALUATE THE EXTENT OF THE PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITION AND REFER THE VETERINARY PROFESSIONAL FOR APPROPRIATE TREATMENT;

(IV) MONITOR THE STATUS OF A VETERINARY PROFESSIONAL REFERRED FOR TREATMENT;

(V) PROVIDE COUNSELING AND SUPPORT FOR THE VETERINARY PROFESSIONAL AND FOR THE FAMILY OF ANY VETERINARY PROFESSIONAL REFERRED FOR TREATMENT;

(VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

(VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL REGULATED VETERINARY PROFESSIONALS IN COLORADO.

(b) UPON RECEIPT OF A SIGNED COMPLAINT BY A COMPLAINANT, THE BOARD MAY REQUIRE A VETERINARY PROFESSIONAL TO PARTICIPATE IN THE

VETERINARY PEER HEALTH ASSISTANCE PROGRAM AND TO ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION 12-20-405 (3) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS IS TO BE PROMPTLY REPORTED TO THE BOARD AND THAT FAILURE WILL RESULT IN DISCIPLINARY ACTION BY THE BOARD.

(c) NOTWITHSTANDING SECTIONS 12-315-112, 12-315-207, AND 24-4-104, THE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OR REGISTRATION OF ANY VETERINARY PROFESSIONAL WHO IS REFERRED TO THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM. IF THE VETERINARY PROFESSIONAL OBJECTS TO THE SUSPENSION, THE VETERINARY PROFESSIONAL MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE HEARING, THE VETERINARY PROFESSIONAL BEARS THE BURDEN OF PROVING THAT THE VETERINARY PROFESSIONAL'S LICENSE OR REGISTRATION SHOULD NOT BE SUSPENDED.

(d) ANY VETERINARY PROFESSIONAL WHO IS ACCEPTED INTO THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM IN LIEU OF DISCIPLINARY ACTION BY THE BOARD SHALL AFFIRM THAT, TO THE BEST OF THE VETERINARY PROFESSIONAL'S KNOWLEDGE, INFORMATION, AND BELIEF, THE VETERINARY PROFESSIONAL KNOWS OF NO INSTANCE IN WHICH THE VETERINARY PROFESSIONAL HAS VIOLATED THIS ARTICLE 315 OR THE RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES AFFECTED BY THE VETERINARY PROFESSIONAL'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITION.

(e) A VETERINARY PROFESSIONAL WHO IS ARRESTED FOR A DRUG- OR ALCOHOL-RELATED OFFENSE SHALL SELF-REFER TO THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM WITHIN THIRTY DAYS AFTER THE ARREST FOR AN EVALUATION AND REFERRAL TO APPROPRIATE TREATMENT, IF NECESSARY. IF THE VETERINARY PROFESSIONAL SELF-REFERS, THE EVALUATION BY THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM IS CONFIDENTIAL AND CANNOT BE USED AS EVIDENCE IN ANY PROCEEDING OTHER THAN A PROCEEDING BEFORE THE BOARD. A VETERINARY PROFESSIONAL'S FAILURE TO COMPLY WITH THIS SUBSECTION (1)(e), ALONE,

IS NOT GROUNDS FOR DISCIPLINE UNDER SECTION 12-315-112 OR 12-315-207, UNLESS THE VETERINARY PROFESSIONAL HAS ALSO COMMITTED AN ACT OR OMISSION SPECIFIED IN THIS ARTICLE 315.

(f) AS A CONDITION OF LICENSURE OR REGISTRATION AND RENEWAL OF A LICENSE OR REGISTRATION IN THIS STATE, EVERY VETERINARY PROFESSIONAL APPLYING FOR A NEW LICENSE OR REGISTRATION OR TO RENEW A LICENSE OR REGISTRATION SHALL PAY TO THE BOARD, FOR USE BY THE ADMINISTERING ENTITY SELECTED BY THE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION, A FEE IN AN AMOUNT NOT TO EXCEED FORTY DOLLARS PER YEAR, WHICH MAXIMUM AMOUNT MAY BE ADJUSTED ON JANUARY 1, 2012, AND ANNUALLY THEREAFTER BY THE BOARD TO REFLECT CHANGES IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE BOARD SHALL FORWARD THE FEE TO THE CHOSEN ADMINISTERING ENTITY FOR USE IN SUPPORTING VETERINARY PROFESSIONALS THROUGH THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM.

(2) **Administering entity.** (a) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM. THE ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT, EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO VETERINARY MEDICINE, VETERINARY MEDICAL EDUCATION, VETERINARY MEDICAL RESEARCH AND SCIENCE, AND OTHER VETERINARY MEDICAL CHARITABLE PURPOSES.

(b) THE ADMINISTERING ENTITY SHALL:

(I) DISTRIBUTE THE MONEY COLLECTED BY THE BOARD, LESS EXPENSES, TO THE DESIGNATED PROVIDERS, AS DIRECTED BY THE BOARD;

(II) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED; AND

(III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED BY THE BOARD TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL

ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT COLLECTED.

(c) THE BOARD SHALL COLLECT THE REQUIRED ANNUAL PAYMENTS PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL THE PAYMENTS TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS COLLECTED OR DUE TO THE BOARD FOR EACH STATE FISCAL YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(3) **Liability limitations.** NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN MAKING GRANTS TO THE VETERINARY PEER HEALTH ASSISTANCE PROGRAM, AND A CIVIL ACTION SHALL NOT BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED VETERINARY PEER HEALTH ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A VETERINARY PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED VETERINARY PEER HEALTH ASSISTANCE PROGRAM. HOWEVER, THE STATE REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A VETERINARY PROFESSIONAL PARTICIPATING IN OR REFERRED TO A STATE-FUNDED VETERINARY PEER HEALTH ASSISTANCE PROGRAM OCCURRED WHILE THE VETERINARY PROFESSIONAL WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

(4) **Rules.** THE BOARD MAY PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 20. In Colorado Revised Statutes, 12-315-124, **amend** (1)(a) as follows:

12-315-124. Evaluations of licensees - behavioral health - mental health - physical conditions. (1) (a) (I) If, upon receipt of a signed

complaint by a complainant, the board has reasonable cause to believe that a licensed veterinarian is unable to practice veterinary medicine with reasonable skill and safety to patients or clients due to a PHYSICAL CONDITION OR A behavioral HEALTH, mental health, or substance use disorder, the board may require in writing that the licensed veterinarian submit to an examination to evaluate:

(A) The existence and extent of the PHYSICAL CONDITION OR THE behavioral HEALTH, mental health, or substance use disorder; and

(B) Any impact the PHYSICAL CONDITION OR THE behavioral HEALTH, mental health, or substance use disorder has on the licensed veterinarian's ability to practice veterinary medicine with reasonable skill and safety to patients and clients.

(II) A qualified professional employed by or contracting with a ~~veterinarian~~ THE VETERINARY peer health assistance program that the board has selected as a designated provider under section 12-315-123 shall conduct an examination required by subsection (1)(a)(I) of this section.

SECTION 21. In Colorado Revised Statutes, **add** part 2 to article 315 of title 12 as follows:

PART 2
VETERINARY TECHNICIANS

12-315-201. Additional board duties - rules - repeal. (1) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN THIS PART 2 OR SECTION 12-315-106, THE BOARD SHALL:

(a) APPROVE A NATIONALLY RECOGNIZED VETERINARY TECHNICIAN CREDENTIALING ORGANIZATION FOR PURPOSES OF CREDENTIALING VETERINARY TECHNICIANS IN THIS STATE. THE CREDENTIALING ORGANIZATION APPROVED BY THE BOARD MUST:

(I) REQUIRE THE COMPLETION OF AN AMERICAN VETERINARY MEDICAL ASSOCIATION-ACCREDITED PROGRAM FOR VETERINARY TECHNICIANS;

(II) REQUIRE THAT AN APPLICANT PASS A VETERINARY TECHNICIAN

NATIONAL EXAMINATION APPROVED BY THE BOARD;

(III) REQUIRE CONTINUING EDUCATION FOR VETERINARY TECHNICIANS; AND

(IV) (A) PERMIT CREDENTIALING OF PROVISIONAL REGISTRANTS WHO MEET THE WORK EXPERIENCE AND TESTING REQUIREMENTS SPECIFIED IN SECTION 12-315-203 (4).

(B) THIS SUBSECTION (1)(a)(IV) IS REPEALED, EFFECTIVE JULY 1, 2028.

(b) RECEIVE COMPLAINTS, CONDUCT HEARINGS IN ACCORDANCE WITH THIS PART 2 AND SECTION 12-315-113, AND TAKE DISCIPLINARY OR OTHER ACTIONS PURSUANT TO THIS PART 2 AND SECTION 12-20-404.

(2) IF THE BOARD DOES NOT APPROVE A CREDENTIALING ORGANIZATION FOR PURPOSES OF CREDENTIALING VETERINARY TECHNICIANS IN THIS STATE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION BECAUSE THERE IS NO CREDENTIALING ORGANIZATION THAT MEETS THE REQUIREMENTS SET FORTH IN SUBSECTIONS (1)(a)(I) TO (1)(a)(IV) OF THIS SECTION OR FOR ANY OTHER REASON, THE BOARD SHALL ESTABLISH BY RULE AND ADMINISTER A CREDENTIALING PROCESS FOR VETERINARY TECHNICIAN REGISTRATION PURSUANT TO THIS PART 2.

12-315-202. Registration required - rules. EFFECTIVE JANUARY 1, 2024, A PERSON WHO PRACTICES AS A VETERINARY TECHNICIAN IN THIS STATE MUST BE REGISTERED BY THE BOARD PURSUANT TO THIS PART 2 AND RULES ADOPTED BY THE BOARD FOR THE REGISTRATION OF VETERINARY TECHNICIANS.

12-315-203. Application for veterinary technician registration - qualifications - provisional registration - fee - rules - repeal. (1) A PERSON WHO DESIRES TO PRACTICE AS A VETERINARY TECHNICIAN IN THIS STATE MUST FILE AN APPLICATION FOR REGISTRATION WITH THE BOARD, ALONG WITH THE REQUIRED APPLICATION FEE, IN THE MANNER DETERMINED BY THE BOARD.

(2) TO BE QUALIFIED FOR REGISTRATION, AN APPLICANT MUST:

(a) BE AT LEAST EIGHTEEN YEARS OF AGE; AND

(b) DEMONSTRATE TO THE BOARD'S SATISFACTION THAT THE APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING CREDENTIALING AS A VETERINARY TECHNICIAN FROM THE VETERINARY TECHNICIAN CREDENTIALING ORGANIZATION.

(3) COMMENCING JANUARY 1, 2023, THE BOARD SHALL ISSUE A REGISTRATION TO A QUALIFIED APPLICANT WHO MEETS THE REQUIREMENTS AND QUALIFICATIONS OF THIS SECTION AND BOARD RULES; EXCEPT THAT THE BOARD MAY DENY REGISTRATION TO AN APPLICANT WHO HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO SECTION 12-315-207.

(4) (a) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, A PERSON WORKING IN THE ROLE OF A VETERINARY TECHNICIAN ON AND AFTER JANUARY 1, 2023, WHO DOES NOT MEET THE REQUIREMENTS SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION MAY FILE WITH THE BOARD AN APPLICATION FOR A PROVISIONAL REGISTRATION NOT LATER THAN JANUARY 1, 2024, ALONG WITH THE REQUIRED APPLICATION FEE, IN THE MANNER DETERMINED BY THE BOARD.

(b) A PROVISIONAL REGISTRATION ISSUED PURSUANT TO THIS SUBSECTION (4) MAY BE RENEWED, AS DETERMINED BY THE BOARD BY RULE. THE PROVISIONAL REGISTRATION EXPIRES THE EARLIER OF:

(I) THE DATE ON WHICH THE BOARD ISSUES A REGISTRATION TO AN APPLICANT PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) TWENTY-EIGHT DAYS AFTER THE PERSON HAS SATISFIED THE REQUIREMENTS IN SUBSECTION (4)(c)(I) OR (4)(c)(II) OF THIS SECTION AND IS ELIGIBLE TO APPLY TO THE CREDENTIALING ORGANIZATION FOR CREDENTIALING IN THIS STATE;

(III) THE DATE ON WHICH THE BOARD DENIES THE PROVISIONAL REGISTRATION RENEWAL APPLICATION; OR

(IV) JANUARY 1, 2028.

(c) THE CREDENTIALING ORGANIZATION SHALL ACCEPT AS

SATISFACTION OF EDUCATIONAL AND TESTING REQUIREMENTS FOR CREDENTIALING A PERSON HOLDING A PROVISIONAL REGISTRATION IN GOOD STANDING WHO APPLIES FOR CREDENTIALING NOT LATER THAN DECEMBER 31, 2027, AND WHO DEMONSTRATES TO THE CREDENTIALING ORGANIZATION'S SATISFACTION THAT THE PROVISIONAL REGISTRANT HAS EITHER:

(I) OBTAINED AT LEAST SIX THOUSAND FIVE HUNDRED HOURS OF WORK EXPERIENCE EQUIVALENT TO THE WORK PERFORMED BY A VETERINARY TECHNICIAN AND HAS PASSED A NATIONAL VETERINARY TECHNICIAN EXAMINATION APPROVED BY THE BOARD PURSUANT TO SECTION 12-315-201 (1)(a)(II); OR

(II) HAS OBTAINED AT LEAST NINE THOUSAND HOURS OF WORK EXPERIENCE EQUIVALENT TO THE WORK PERFORMED BY A VETERINARY TECHNICIAN.

(d) A PERSON HOLDING A PROVISIONAL REGISTRATION IS SUBJECT TO DISCIPLINE PURSUANT TO SECTION 12-315-207.

(e) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SUBSECTION (4) TO THE CONTRARY, THE BOARD MAY ESTABLISH, BY RULE, A PROCESS FOR AND CONDITIONS UNDER WHICH A PROVISIONAL REGISTRANT MAY APPLY FOR A HARDSHIP EXTENSION TO EXTEND, TO A DATE NOT LATER THAN JUNE 30, 2028:

(I) THE VALIDITY OF A PROVISIONAL REGISTRATION;

(II) THE TIME WITHIN WHICH THE PROVISIONAL REGISTRANT MAY SATISFY THE EDUCATION AND TESTING REQUIREMENTS; OR

(III) THE DATE BY WHICH THE PROVISIONAL REGISTRANT MUST APPLY TO THE CREDENTIALING ORGANIZATION.

(f) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE OCTOBER 1, 2028.

(5) THE BOARD SHALL MAKE AVAILABLE ON ITS WEBSITE THE REQUIREMENTS FOR CREDENTIALING BY THE CREDENTIALING ORGANIZATION, AS WELL AS INFORMATION CONCERNING THE VETERINARY TECHNICIAN REGISTRATION BY ENDORSEMENT UNDER SECTION 12-315-205

AND THE OCCUPATIONAL CREDENTIAL PORTABILITY PROGRAM.

12-315-204. Use of title restricted. ON AND AFTER JANUARY 1, 2024, ONLY A PERSON WHO IS REGISTERED PURSUANT TO THIS PART 2 MAY USE THE TITLE "VETERINARY TECHNICIAN" OR "REGISTERED VETERINARY TECHNICIAN" OR THE INITIALS "VT" OR "RVT".

12-315-205. Veterinary technicians - registration by endorsement. THE BOARD MAY ISSUE A REGISTRATION BY ENDORSEMENT TO A VETERINARY TECHNICIAN APPLICANT WHO SATISFIES THE REQUIREMENTS OF THE OCCUPATIONAL CREDENTIAL PORTABILITY PROGRAM.

12-315-206. Expiration, renewal, reinstatement, or reactivation of a registration - inactive status - rules - definition. (1) A REGISTRATION ISSUED PURSUANT TO THIS PART 2 IS SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1) AND (2). A PERSON WHOSE REGISTRATION EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED IN THIS PART 2 OR SECTION 12-20-202 (1).

(2) THE BOARD, BY RULE, MAY WAIVE A VETERINARY TECHNICIAN'S RENEWAL FEE WHILE THE VETERINARY TECHNICIAN IS ON ACTIVE DUTY WITH ANY BRANCH OF THE ARMED SERVICES OF THE UNITED STATES. THE PERIOD DURING WHICH THE RENEWAL FEE IS WAIVED CANNOT EXCEED THE LONGER OF THREE YEARS OR THE DURATION OF A NATIONAL EMERGENCY.

(3) THE BOARD SHALL NOT RENEW, REINSTATE, OR REACTIVATE A REGISTRATION ISSUED PURSUANT TO SECTION 12-315-203 (3) UNLESS THE VETERINARY TECHNICIAN DEMONSTRATES TO THE BOARD'S SATISFACTION THAT THE VETERINARY TECHNICIAN MAINTAINS ACTIVE CREDENTIALING WITH THE CREDENTIALING ORGANIZATION. SUBJECT TO BOARD RULE, THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE REGISTRATION APPLICATION.

(4) (a) UPON NOTICE TO THE BOARD, THE BOARD SHALL TRANSFER A VETERINARY TECHNICIAN'S REGISTRATION TO INACTIVE STATUS. IF A PERSON WHOSE REGISTRATION IS IN INACTIVE STATUS WISHES TO RESUME PRACTICING AS A VETERINARY TECHNICIAN, THE PERSON SHALL APPLY TO THE BOARD IN A FORM AND MANNER APPROVED BY THE BOARD AND SHALL DEMONSTRATE, TO THE SATISFACTION OF THE BOARD, THAT THE PERSON HAS OBTAINED AND MAINTAINS CREDENTIALING IN GOOD STANDING BY THE

CREDENTIALING ORGANIZATION.

(b) THE BOARD MAY PURSUE DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION 12-315-207 AGAINST A VETERINARY TECHNICIAN WHOSE REGISTRATION IS INACTIVE PURSUANT TO THIS SUBSECTION (4) FOR CONDUCT THAT VIOLATES THIS PART 2 THAT THE PERSON ENGAGES IN WHILE THE REGISTRATION IS IN INACTIVE STATUS.

12-315-207. Discipline of a registered veterinary technician - repeal. (1) UPON RECEIPT OF A SIGNED COMPLAINT BY A COMPLAINANT OR UPON ITS OWN MOTION, THE BOARD MAY PROCEED TO A HEARING IN ACCORDANCE WITH SECTION 12-315-113. AFTER A HEARING, AND BY A CONCURRENCE OF A MAJORITY OF MEMBERS, THE BOARD MAY TAKE DISCIPLINARY ACTION AS AUTHORIZED IN SECTION 12-20-404 AGAINST AN APPLICANT FOR A REGISTRATION OR A REGISTERED VETERINARY TECHNICIAN FOR ANY OF THE FOLLOWING REASONS:

(a) VIOLATION OF ANY PROVISION OF THIS ARTICLE 315, AN APPLICABLE PROVISION OF ARTICLE 20 OR 30 OF THIS TITLE 12, OR ANY RULE OR ORDER OF THE BOARD;

(b) (I) FRAUD, MISREPRESENTATION, OR DECEPTION IN ATTEMPTING TO OBTAIN OR IN OBTAINING A REGISTRATION OR RENEWING A REGISTRATION;

(II) (A) FRAUD, MISREPRESENTATION, OR DECEPTION IN ATTEMPTING TO OBTAIN OR IN OBTAINING A PROVISIONAL REGISTRATION OR RENEWING A PROVISIONAL REGISTRATION;

(B) THIS SUBSECTION (1)(b)(II) IS REPEALED, EFFECTIVE OCTOBER 1, 2028.

(c) CONVICTION OF A CHARGE OF CRUELTY TO ANIMALS;

(d) WILLFULLY MAKING ANY FALSE STATEMENT AS TO ANY MATERIAL MATTER IN ANY OATH OR AFFIDAVIT THAT IS REQUIRED BY THIS ARTICLE 315;

(e) UNPROFESSIONAL OR UNETHICAL CONDUCT OR ENGAGING IN PRACTICES THAT ARE IN VIOLATION OF GENERALLY ACCEPTED STANDARDS

FOR PRACTICE AS A VETERINARY TECHNICIAN OR PRESCRIBED BY THE RULES OF THE BOARD;

(f) THE VETERINARY TECHNICIAN:

(I) HAS A REGISTRATION OR CREDENTIAL AS A VETERINARY TECHNICIAN IN ANOTHER STATE REVOKED OR SUSPENDED;

(II) IS OTHERWISE DISCIPLINED BY ANOTHER STATE; OR

(III) HAS COMMITTED ACTS IN ANOTHER STATE THAT WOULD SUBJECT THE PERSON TO DISCIPLINARY ACTION IN THIS STATE;

(g) PRACTICING AS A VETERINARY TECHNICIAN WHILE IN INACTIVE STATUS OR WHILE THE PERSON'S REGISTRATION IS EXPIRED;

(h) FAILING TO NOTIFY THE BOARD WITHIN THIRTY DAYS AFTER A DISCIPLINARY ACTION, WHETHER IN THIS STATE OR IN ANOTHER STATE, AGAINST THE PERSON'S CREDENTIAL THAT ALLOWS THE PERSON TO HOLD A REGISTRATION IN THIS STATE;

(i) CONVICTION OF A VIOLATION OF THE "UNIFORM CONTROLLED SUBSTANCES ACT OF 2013", ARTICLE 18 OF TITLE 18; THE FEDERAL "CONTROLLED SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED; OR THE FEDERAL "CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT", 21 U.S.C. SEC. 951 ET SEQ., AS AMENDED;

(j) CONVICTION OF A CRIME IN THE COURTS OF THIS STATE OR OF A CRIME IN ANY OTHER STATE, ANY TERRITORY, OR ANY OTHER COUNTRY FOR AN OFFENSE RELATED TO THE CONDUCT REGULATED BY THIS PART 2, REGARDLESS OF WHETHER THE SENTENCE IS DEFERRED. AS USED IN THIS SUBSECTION (1)(j), "CONVICTION" INCLUDES A PLEA OF GUILTY OR A PLEA OF NOLO CONTENDERE ACCEPTED BY THE COURT.

(k) HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL BEVERAGES, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 18-18-102 (5);

(l) A DETERMINATION THAT THE INDIVIDUAL IS MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION, AND THE COURT

HAS ENTERED, PURSUANT TO PART 3 OR 4 OF ARTICLE 14 OF TITLE 15 OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY IS OF SUCH A DEGREE THAT THE INDIVIDUAL IS INCAPABLE OF CONTINUING TO HOLD A REGISTRATION AS A VETERINARY TECHNICIAN;

(m) FAILING TO REPORT A KNOWN VIOLATION OF ANY PROVISION OF THIS SECTION;

(n) PRACTICING OR PERFORMING SERVICES BEYOND A REGISTRANT'S SCOPE OF COMPETENCE;

(o) FAILING TO RESPOND TO A COMPLAINT AGAINST THE REGISTRANT;

(p) FAILING TO PROVIDE TO THE BOARD AN UPDATED MAILING ADDRESS AND OTHER CONTACT INFORMATION AS REQUIRED BY THE BOARD WITHIN THIRTY DAYS AFTER A CHANGE IN THE INFORMATION; OR

(q) FAILING TO COMPLY WITH THE TERMS AGREED TO UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO UNDER SECTIONS 12-30-108 AND 12-315-125.

(2) THE BOARD MAY SEND A LETTER OF ADMONITION TO A REGISTRANT UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE WITH SECTION 12-20-404 (4).

(3) THE BOARD MAY SEND A CONFIDENTIAL LETTER OF CONCERN TO THE REGISTRANT UNDER THE CIRCUMSTANCES SPECIFIED IN SECTION 12-20-404 (5).

(4) THE RECORD OF CONVICTION OF A FELONY IN A COURT OF COMPETENT JURISDICTION IS SUFFICIENT EVIDENCE FOR THE BOARD TO TAKE DISCIPLINARY ACTION AGAINST THE REGISTRANT AS DEEMED PROPER BY THE BOARD. FOR THE PURPOSES OF THIS PART 2, A CONVICTION IS DEEMED TO BE A CONVICTION THAT HAS BEEN UPHELD BY THE HIGHEST APPELLATE COURT HAVING JURISDICTION OR A CONVICTION UPON WHICH THE TIME FOR FILING AN APPEAL HAS PASSED.

(5) WITH RESPECT TO DENYING THE ISSUANCE OF A VETERINARY TECHNICIAN REGISTRATION OR TAKING DISCIPLINARY ACTION AGAINST A

VETERINARY TECHNICIAN, THE BOARD MAY ACCEPT AS PRIMA FACIE EVIDENCE OF GROUNDS FOR THE ACTION ANY FEDERAL OR STATE ACTION TAKEN AGAINST A VETERINARY TECHNICIAN IN ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION IN THE JURISDICTION WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION.

(6) IN ADDITION TO ANY OTHER PENALTY THAT MAY BE IMPOSED PURSUANT TO THIS SECTION, A PERSON VIOLATING ANY PROVISION OF THIS PART 2 OR ANY RULES PROMULGATED PURSUANT TO THIS PART 2 MAY BE FINED NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS FOR ANY SUCH VIOLATION.

(7) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES AND IN ACCORDANCE WITH SECTION 12-20-405; EXCEPT THAT THE BOARD MAY ALSO ISSUE A CEASE-AND-DESIST ORDER ON ITS OWN MOTION.

(8) THE BOARD MAY SUSPEND THE REGISTRATION OF A VETERINARY TECHNICIAN WHO FAILS TO COMPLY WITH AN ORDER OF THE BOARD ISSUED IN ACCORDANCE WITH THIS SECTION. THE BOARD MAY IMPOSE THE REGISTRATION SUSPENSION UNTIL THE REGISTRANT COMPLIES WITH THE BOARD'S ORDER.

12-315-208. Examination of registrants - behavioral health - mental health - physical conditions. (1) (a) (I) IF, UPON RECEIPT OF A SIGNED COMPLAINT BY A COMPLAINANT, THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT A VETERINARY TECHNICIAN IS UNABLE TO PRACTICE AS A VETERINARY TECHNICIAN WITH REASONABLE SKILL AND SAFETY TO PATIENTS OR CLIENTS DUE TO A PHYSICAL CONDITION OR A BEHAVIORAL HEALTH, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, THE BOARD MAY REQUIRE IN WRITING THAT THE VETERINARY TECHNICIAN SUBMIT TO AN EXAMINATION TO EVALUATE:

(A) THE EXISTENCE AND EXTENT OF THE PHYSICAL CONDITION OR THE BEHAVIORAL HEALTH, MENTAL HEALTH, OR SUBSTANCE USE DISORDER; AND

(B) ANY IMPACT THE PHYSICAL CONDITION OR THE BEHAVIORAL HEALTH, MENTAL HEALTH, OR SUBSTANCE USE DISORDER HAS ON THE

VETERINARY TECHNICIAN'S ABILITY TO PRACTICE AS A VETERINARY TECHNICIAN WITH REASONABLE SKILL AND SAFETY TO PATIENTS AND CLIENTS.

(II) A QUALIFIED PROFESSIONAL EMPLOYED BY OR CONTRACTING WITH A VETERINARY PEER HEALTH ASSISTANCE PROGRAM THAT THE BOARD HAS SELECTED AS A DESIGNATED PROVIDER UNDER SECTION 12-315-123 SHALL CONDUCT AN EXAMINATION REQUIRED BY SUBSECTION (1)(a)(I) OF THIS SECTION.

(b) IF A VETERINARY TECHNICIAN FAILS TO SUBMIT TO AN EXAMINATION REQUIRED UNDER SUBSECTION (1)(a) OF THIS SECTION, THE BOARD MAY SUSPEND THE VETERINARY TECHNICIAN'S REGISTRATION UNTIL THE VETERINARY TECHNICIAN SUBMITS TO THE EXAMINATION; HOWEVER, IF THE VETERINARY TECHNICIAN DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT THE FAILURE TO SUBMIT TO THE EXAMINATION IS DUE TO CIRCUMSTANCES BEYOND THE VETERINARY TECHNICIAN'S CONTROL, THE BOARD SHALL NOT SUSPEND THE VETERINARY TECHNICIAN'S REGISTRATION.

(2) EVERY VETERINARY TECHNICIAN IN THIS STATE IS DEEMED, BY PRACTICING AS A VETERINARY TECHNICIAN OR APPLYING FOR A RENEWAL OF THE PERSON'S REGISTRATION, TO HAVE:

(a) GIVEN CONSENT TO SUBMIT TO AN EXAMINATION THAT THE BOARD MAY REQUIRE UNDER SUBSECTION (1)(a) OF THIS SECTION; AND

(b) WAIVED AN OBJECTION TO THE ADMISSIBILITY OF THE EXAMINING PROFESSIONAL'S TESTIMONY OR EXAMINATION REPORTS AT A BOARD HEARING ON GROUNDS THAT THE TESTIMONY OR REPORTS ARE PRIVILEGED COMMUNICATIONS.

(3) (a) A PERSON SHALL NOT USE THE RESULTS OF AN EXAMINATION ORDERED UNDER SUBSECTION (1)(a) OF THIS SECTION AS EVIDENCE IN ANY PROCEEDING OTHER THAN A PROCEEDING BEFORE THE BOARD.

(b) EXCEPT AS PROVIDED IN SUBSECTION (3)(a) OF THIS SECTION, ANY EXAMINATION RESULTS, THE FACT THAT THE EXAMINATION WAS ADMINISTERED, AND THE COMPLAINT THAT PROMPTED THE EXAMINATION SHALL BE KEPT CONFIDENTIAL, ARE NOT PUBLIC RECORDS, AND ARE NOT AVAILABLE TO THE PUBLIC.

12-315-209. Duties of licensed veterinarian - direction and supervision of veterinary technician - rules. (1) A VETERINARY TECHNICIAN IS AUTHORIZED TO PROVIDE CARE TO ANIMALS UNDER THE DIRECTION AND SUPERVISION, AS DEFINED BY THE BOARD BY RULE, OF A LICENSED VETERINARIAN WHO IS RESPONSIBLE FOR THE VETERINARY TECHNICIAN'S PERFORMANCE. THE LICENSED VETERINARIAN DIRECTING AND SUPERVISING THE VETERINARY TECHNICIAN IS RESPONSIBLE FOR THE CARE OF THE ANIMAL.

(2) NOTHING IN THIS PART 2 PROHIBITS A PERSON WHO IS NOT A VETERINARY TECHNICIAN PURSUANT TO THIS PART 2 FROM PERFORMING TASKS RELATING TO ANIMAL CARE UNDER THE DIRECTION AND SUPERVISION OF A LICENSED VETERINARIAN WHO IS RESPONSIBLE FOR THE CARE OF THE ANIMAL.

12-315-210. Unauthorized practice - penalties. A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A VETERINARY TECHNICIAN WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS PART 2 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a).

SECTION 22. In Colorado Revised Statutes, 12-280-103, **add** (2.5) as follows:

12-280-103. Definitions - rules. As used in this article 280, unless the context otherwise requires or the term is otherwise defined in another part of this article 280:

(2.5) "ANIMAL SHELTER" HAS THE MEANING SET FORTH IN SECTION 35-80-102.

SECTION 23. In Colorado Revised Statutes, 12-280-112, **amend** (1)(q) as follows:

12-280-112. Fees. (1) The director shall determine, and the board shall collect, fees pursuant to section 12-20-105 for the following licenses, certifications, and registrations:

(q) For the initial and renewal registration of ~~humane societies~~ ANIMAL SHELTERS and animal control agencies pursuant to section 12-280-119 (12);

SECTION 24. In Colorado Revised Statutes, 12-280-119, **amend** (12)(a) and (12)(b) as follows:

12-280-119. Registration of facilities - rules. (12) (a) ~~A humane society~~ AN ANIMAL SHELTER that is duly registered with the secretary of state and has been in existence and in business for at least five years in this state as a nonprofit corporation, or an animal control agency that is operated by a unit of government, shall register with the board.

(b) The board may issue a limited license to ~~a humane society~~ AN ANIMAL SHELTER or animal control agency to perform the activities described in section 12-280-120 (17).

SECTION 25. In Colorado Revised Statutes, 12-280-120, **amend** (17)(a) introductory portion and (17)(b); and **add** (17)(a)(III) as follows:

12-280-120. Compounding - dispensing - sale of drugs and devices - rules - definition. (17) (a) ~~A humane society~~ AN ANIMAL SHELTER or animal control agency that is registered with the board pursuant to section 12-280-119 (12) is authorized to:

(III) PURCHASE AND POSSESS VACCINES AND ADMINISTER VACCINES IN ACCORDANCE WITH APPLICABLE LAWS.

(b) ~~A society~~ AN ANIMAL SHELTER or ANIMAL CONTROL agency registered pursuant to section 12-280-119 (12) shall not permit a person to administer scheduled controlled substances, sodium pentobarbital, or sodium pentobarbital in combination with other noncontrolled prescription drugs that are medically recognized for euthanasia unless the person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering the drug or combination of drugs.

SECTION 26. In Colorado Revised Statutes, 18-13-123, **amend** (4)(b) as follows:

18-13-123. Unlawful administration of gamma hydroxybutyrate (GHB) or ketamine. (4) (b) It ~~shall not be~~ IS NOT a violation of this section if ketamine is distributed or dispensed by or under the direction of ~~such authorized~~ A person AUTHORIZED AS DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION for use by ~~a humane society~~ AN ANIMAL SHELTER, AS DEFINED

IN SECTION 35-80-102, that is duly registered with the secretary of state and has been in existence and in business for at least five years in this state as a nonprofit corporation or by an animal control agency that is operated by a unit of government to control animals and to euthanize injured, sick, homeless, or unwanted pets or animals if the ~~humane society~~ ANIMAL SHELTER or animal control agency is registered pursuant to section 12-280-119 (12).

SECTION 27. In Colorado Revised Statutes, **amend** 18-18-103 as follows:

18-18-103. Special definition - board. As used in parts 1 and 2 of this ~~article~~ ARTICLE 18, "board" means the state board of pharmacy. As used in parts 3, 4, 5, and 6 of this ~~article~~ ARTICLE 18, "board" means the respective licensing board responsible for licensing and registering practitioners or other persons who are subject to registration pursuant to part 3 of this ~~article~~ ARTICLE 18. For physicians the respective board is the Colorado medical board; for podiatrists the respective board is the Colorado podiatry board; for dentists the respective board is the Colorado dental board; for optometrists the respective board is the state board of optometry; for pharmacists and pharmacies the respective board is the state board of pharmacy; for veterinarians the respective board is the state board of veterinary medicine; and for manufacturers, distributors, and ~~humane societies~~ ANIMAL SHELTERS, AS DEFINED IN SECTION 35-80-102, the respective board is the state board of pharmacy.

SECTION 28. In Colorado Revised Statutes, 18-18-302, **amend** (1) as follows:

18-18-302. Registration requirements - definitions. (1) Every person who manufactures, distributes, or dispenses any controlled substance within this state, or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, shall obtain annually or biannually, if applicable, a registration, issued by the respective licensing board or the department in accordance with rules adopted by such board or by the department. For purposes of this section and this article 18, "registration" or "registered" means the registering of manufacturers, pharmacists, pharmacies, and ~~humane societies~~ ANIMAL SHELTERS, AS DEFINED IN SECTION 35-80-102, located in this state, and distributors located in or doing business in this state, by the state board of

pharmacy, as set forth in article 280 of title 12, the licensing of physicians by the Colorado medical board, as set forth in article 240 of title 12, the licensing of podiatrists by the Colorado podiatry board, as set forth in article 290 of title 12, the licensing of dentists by the Colorado dental board, as set forth in article 220 of title 12, the licensing of optometrists by the state board of optometry, as set forth in article 275 of title 12, the licensing of veterinarians by the state board of veterinary medicine, as set forth in article 315 of title 12, and the licensing of researchers and addiction programs by the department of human services, as set forth in part 2 of article 80 of title 27.

SECTION 29. In Colorado Revised Statutes, 25-4-607, **amend** (1)(a) as follows:

25-4-607. Order of board of health requiring inoculation of animals - veterinarian waiver of order. (1) (a) When it is deemed advisable in the interest of public health and safety, the board of health of an organized health department or a county board of health may order that all dogs, cats, other pet animals, or other mammals in the county or district be vaccinated against rabies, such vaccination to be performed by a licensed veterinarian OR UNDER THE INDIRECT SUPERVISION, AS DEFINED IN SECTION 12-315-104 (10.5), OF A LICENSED VETERINARIAN. THE VETERINARIAN SIGNING A RABIES VACCINATION CERTIFICATE SHALL ENSURE THAT THE PERSON WHO ADMINISTERED THE VACCINE IS IDENTIFIED ON THE CERTIFICATE AND HAS BEEN APPROPRIATELY TRAINED IN VACCINE STORAGE, HANDLING, AND ADMINISTRATION AND IN THE MANAGEMENT OF ADVERSE EVENTS.

SECTION 30. Appropriation. (1) For the 2022-23 state fiscal year, \$80,708 is appropriated to the department of regulatory agencies for use by the division of professions and occupations. This appropriation is from the division of professions and occupations cash fund created in section 12-20-105 (3), C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$66,088 for personal services, which amount is based on an assumption that the division will require an additional 1.2 FTE; and

(b) \$14,620 for operating expenses.

SECTION 31. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO