

DATE FILED: February 28, 2024 2:53 PM



STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **JENA GRISWOLD**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the filed text, fiscal summary, motion for rehearing, and the rulings thereon of the Title Board for Proposed Initiative "2023-2024 #145 'Establish Qualifications and Registration for Veterinary Professional Associate'".....

A large, diagonal red scribble or mark is present across the middle of the page, partially overlapping the text of the certificate.

.....**IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 22nd day of February, 2024.

A handwritten signature in blue ink that reads "Jena Griswold".

SECRETARY OF STATE



Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 12-315-102 as follows:

12-315-102. **Legislative declaration.** (1) This article 315 is enacted as an exercise of the police powers of the state to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine. It is hereby declared that the practice of veterinary medicine is a privilege conferred upon persons possessed of the personal and professional qualifications specified in this article 315.

(2) THE PEOPLE OF THE STATE OF COLORADO DECLARE THAT:

(a) THERE IS A CRITICAL VETERINARY WORKFORCE SHORTAGE IMPACTING THE ANIMALS OF COLORADO;

(b) THE VETERINARY WORKFORCE SHORTAGE IS CAUSING AN ACCESS-TO-VETERINARY-CARE CRISIS IN COLORADO;

(c) THE ACCESS-TO-VETERINARY-CARE CRISIS IS THREATENING THE WELFARE OF COMPANION ANIMALS, THE LIVELIHOOD OF MEMBERS OF COLORADO'S ANIMAL AGRICULTURE INDUSTRY, AND THE SAFETY OF OUR FOOD SUPPLY;

(d) THE VETERINARY WORKFORCE SHORTAGE AND ACCESS-TO-VETERINARY-CARE CRISIS CANNOT BE SOLVED WITHOUT SEEKING NEW WAYS TO BRING ADDITIONAL PEOPLE INTO THE VETERINARY WORKFORCE; AND

(e) EXPERTS IN VETERINARY MEDICINE HAVE IDENTIFIED A MID-LEVEL VETERINARY PRACTITIONER CAREER PATHWAY AS ONE SOLUTION TO THE VETERINARY WORKFORCE SHORTAGE AND ACCESS-TO-VETERINARY-CARE CRISIS.

SECTION 2. In Colorado Revised Statutes 12-315-104, **amend** (21.5) and **add** (21.7) as follows:

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

(21.5) "Veterinary professional" means a veterinarian licensed pursuant to this part 1, A VETERINARY PROFESSIONAL ASSOCIATE REGISTERED PURSUANT PART 2 OF THIS ARTICLE 315, and a veterinary technician registered pursuant to part 2 of this article 315.

(21.7) "VETERINARY PROFESSIONAL ASSOCIATE" MEANS AN INDIVIDUAL WHO HOLDS A MASTER'S DEGREE IN VETERINARY CLINICAL CARE, OR THE EQUIVALENT, AND WHO IS SUBJECT TO THE REQUIREMENTS IN SECTION 12-315-203.7.

SECTION 3. In Colorado Revised Statutes 12-315-105, **add** (1)(r) as follows:

12-315-105. License requirements and exceptions - definitions - rules. (1) A person shall not practice veterinary medicine in this state if the person is not a licensed veterinarian. A person 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:

(r) A VETERINARY PROFESSIONAL ASSOCIATE FROM PRACTICING VETERINARY MEDICINE THAT IS:

(I) WITHIN THE VETERINARY PROFESSIONAL ASSOCIATE'S ADVANCED EDUCATION AND EXPERIENCE; AND

(II) PERFORMED WHILE UNDER THE SUPERVISION OF A LICENSED VETERINARIAN WHO IS RESPONSIBLE FOR THE VETERINARY PROFESSIONAL ASSOCIATE'S PERFORMANCE.

SECTION 4. In Colorado Revised Statutes, 12-315-106, **amend** (5)(a), (5)(b), (5)(d), and (7); and **add** (5)(j) as follows:

12-315-106. Board of veterinary medicine - creation - powers - rules. (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 OR VETERINARY PROFESSIONAL ASSOCIATE 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 AND VETERINARY PROFESSIONAL ASSOCIATES 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, AND VETERINARY PROFESSIONAL ASSOCIATES. The board shall base the fee on its anticipated financial requirements for the year.

(j) APPROVE A NATIONALLY RECOGNIZED VETERINARY PROFESSIONAL ASSOCIATE CREDENTIALING ORGANIZATION FOR PURPOSES OF CREDENTIALING VETERINARY PROFESSIONAL ASSOCIATES IN THIS STATE. THE CREDENTIALING ORGANIZATION APPROVED BY THE BOARD MAY:

(I) REQUIRE COMPLETION OF A UNIVERSITY-APPROVED PROGRAM FOR VETERINARY PROFESSIONAL ASSOCIATES; AND

(II) REQUIRE THAT AN APPLICANT PASS A VETERINARY PROFESSIONAL ASSOCIATE NATIONAL EXAMINATION .

(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 VETERINARY PROFESSIONAL ASSOCIATES and are to be construed liberally to accomplish this objective.

SECTION 5. In Colorado Revised Statutes, 12-315-112, **amend** (1)(ee) 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 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:

(ee) Failure to properly supervise a veterinary student, a veterinary student preceptor, a veterinary technician, A VETERINARY PROFESSIONAL ASSOCIATE, or other veterinary staff;

SECTION 6. In Colorado Revised Statutes, article 315 of title 12, rename Part 2 as follows:

Part 2. VETERINARY TECHNICIANS AND VETERINARY PROFESSIONAL ASSOCIATES

SECTION 7. In Colorado Revised Statutes, 12-315-201, **add** (1)(c) and (1)(d) as follows:

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:

(c) REQUIRE BIENNIAL CONTINUING EDUCATION FOR VETERINARY PROFESSIONAL ASSOCIATES, AS MAY BE DETERMINED BY THE BOARD BY RULE, AS A CONDITION OF RENEWING REGISTRATION; AND

(d) ADOPT ANY RULES NECESSARY FOR THE PRACTICE AND SUPERVISION OF VETERINARY PROFESSIONAL ASSOCIATES.

SECTION 8. In Colorado Revised Statutes, **add** 12-315-203.7 as follows:

12-315-203.7. Veterinary professional associate - qualifications- registration - fees - continuing education - rules.

(1) AN INDIVIDUAL WHO DESIRES TO PRACTICE AS A VETERINARY PROFESSIONAL ASSOCIATE 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) **Qualifications.** TO BE QUALIFIED FOR REGISTRATION AS A VETERINARY PROFESSIONAL ASSOCIATE, AN INDIVIDUAL MUST:

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

(b) HOLD A MASTER’S DEGREE IN VETERINARY CLINICAL CARE OR THE EQUIVALENT AS DETERMINED BY THE BOARD.

(3) **Registration.** COMMENCING JANUARY 1, 2026, AN INDIVIDUAL WHO PRACTICES AS A VETERINARY PROFESSIONAL ASSOCIATE IN THIS STATE MUST BE REGISTERED BY THE BOARD

PURSUANT TO THIS SECTION AND RULES ADOPTED BY THE BOARD FOR THE REGISTRATION OF VETERINARY PROFESSIONAL ASSOCIATES.

(4) **Rules.** PRIOR TO REGISTERING VETERINARY PROFESSIONAL ASSOCIATES PURSUANT TO THIS SECTION, THE BOARD SHALL ESTABLISH, BY RULE:

(a) THE TIME FRAMES AND REQUIREMENTS FOR REGISTRATION, RENEWAL OF REGISTRATION, AND SUSPENSION AND REINSTATEMENT OF REGISTRATION FOR VETERINARY PROFESSIONAL ASSOCIATES;

(b) THE METHOD FOR AN APPLICANT TO DEMONSTRATE THAT THE APPLICANT MEETS THE REQUIREMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION;

(c) ANY INFORMATION OR CONFIRMATION REQUIRED BY THE SUPERVISING, LICENSED VETERINARIAN;

(d) ANY CONTINUING EDUCATION REQUIREMENTS FOR VETERINARY PROFESSIONAL ASSOCIATES IN ACCORDANCE WITH SECTION 12-315-201(1)(c) AND SUBSECTION (5) OF THIS SECTION; AND

(e) ANY OTHER RULES NECESSARY TO IMPLEMENT THIS SECTION.

(5) A VETERINARY PROFESSIONAL ASSOCIATE IS SUBJECT TO ANY BIENNIAL CONTINUING EDUCATION REQUIREMENT ESTABLISHED BY THE BOARD PURSUANT TO SECTION 12-315-201(1)(c) AND RULES ADOPTED PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION AS A CONDITION OF RENEWING REGISTRATION.

SECTION 9. In Colorado Revised Statutes, **amend** 12-315-204 as follows:

12-315-204. Use of title restricted.

(1) 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”.

(2) ON AND AFTER JANUARY 1, 2026, ONLY AN INDIVIDUAL WHO IS REGISTERED PURSUANT TO SECTION 12-315-203.7 MAY USE THE TITLE “VETERINARY PROFESSIONAL ASSOCIATE” OR “REGISTERED VETERINARY PROFESSIONAL ASSOCIATE” OR THE INITIALS “VPA” OR “RVPA.”

SECTION 10. In Colorado Revised Statutes, **amend** 12-315-206 as follows:

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 OR VETERINARY PROFESSIONAL ASSOCIATE'S renewal fee while the veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE 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) THIS PART 2 unless the veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE demonstrates to the board's satisfaction that the veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE maintains active credentialing with the credentialing organization OR THE VETERINARY PROFESSIONAL ASSOCIATE CONTINUES TO MEET THE REQUIREMENTS FOR REGISTRATION UNDER THIS PART 2. 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 OR VETERINARY PROFESSIONAL ASSOCIATE'S registration to inactive status. If a person whose registration is in inactive status wishes to resume practicing as a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE 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 OR THE PERSON CONTINUES TO MEET THE REQUIREMENTS FOR REGISTRATION UNDER THIS PART 2.

(b) The board may pursue disciplinary proceedings pursuant to section 12-315-207 against a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE 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.

SECTION 11. In Colorado Revised Statutes, 12-315-207, **amend** (1) introductory portion, (1)(e), (1)(f) introductory portion, (1)(f)(I), (1)(g), (1)(l), (5), and (8) as follows:

12-315-207. Discipline of a registered veterinary technician – registered veterinary professional associate – 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 OR VETERINARY PROFESSIONAL ASSOCIATE for any of the following reasons:

(e) Unprofessional or unethical conduct or engaging in practices that are in violation of generally accepted standards for practice as a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE or prescribed by the rules of the board;

(f) The veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE:

(I) Has a registration or credential as a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE in another state revoked or suspended;

(g) Practicing as a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE while in inactive status or while the person's registration is expired;

(1) 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 27-65-110 (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 PROFESSIONAL ASSOCIATE OR veterinary technician;

(5) With respect to denying the issuance of a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE registration or taking disciplinary action against a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE, the board may accept as prima facie evidence of grounds for the action any federal or state action taken against a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE in another jurisdiction if the violation that prompted the disciplinary action in the jurisdiction would constitute grounds for disciplinary action under this section.

(8) The board may suspend the registration of a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE 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.

SECTION 12. In Colorado Revised Statutes, 12-315-208, **amend** (1)(a)(I) introductory portion, (1)(a)(I)(B), (1)(b), and (2) introductory portion as follows:

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 OR VETERINARY PROFESSIONAL ASSOCIATE 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 OR VETERINARY PROFESSIONAL ASSOCIATE submit to an examination to evaluate:

(B) Any impact the physical condition or the behavioral health, mental health, or substance use disorder has on the veterinary technician's OR VETERINARY PROFESSIONAL ASSOCIATE'S ability to practice as a veterinary technician with reasonable skill and safety to patients and clients.

(b) If a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE fails to submit to an examination required under subsection (1)(a) of this section, the board may suspend the veterinary technician's OR VETERINARY PROFESSIONAL ASSOCIATE'S registration until the veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE submits to the examination; however, if the veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE demonstrates to the satisfaction of the board that the failure to submit to the examination is due to circumstances beyond the veterinary technician's OR VETERINARY PROFESSIONAL ASSOCIATE'S control, the board

shall not suspend the veterinary technician's OR VETERINARY PROFESSIONAL ASSOCIATE'S registration.

(2) Every veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE in this state is deemed, by practicing as a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE or applying for a renewal of the person's registration, to have:

SECTION 13. In Colorado Revised Statutes, **add 12-315-209.7** as follows:

12-315-209.7. Duties of licensed veterinarian - direction and supervision of veterinary professional associate - rules.

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON PRACTICING AS A VETERINARY PROFESSIONAL ASSOCIATE MAY PERFORM DUTIES AND ACTIONS AUTHORIZED PURSUANT TO SECTION 12-315-105(1)(r) THAT ARE WITHIN THE SCOPE OF THE VETERINARY PROFESSIONAL ASSOCIATE'S ADVANCED EDUCATION AND EXPERIENCE IF THE PERSON PERFORMS THOSE DUTIES UNDER THE SUPERVISION OF A LICENSED VETERINARIAN.

(2) A VETERINARY PROFESSIONAL ASSOCIATE SHALL PERFORM ONLY THOSE DUTIES OR ACTIONS DELEGATED BY THE LICENSED, SUPERVISING VETERINARIAN FOR WHICH THE VETERINARY PROFESSIONAL ASSOCIATE HAS THE NECESSARY TRAINING AND EXPERIENCE, AS DETERMINED BY THE SUPERVISING VETERINARIAN, TO MEET GENERALLY ACCEPTED STANDARDS OF VETERINARY CARE.

(3) IF A VETERINARY PROFESSIONAL ASSOCIATE IS DELEGATED DUTIES BEYOND THE VETERINARY PROFESSIONAL ASSOCIATE'S TRAINING AND EXPERIENCE, THE LICENSED VETERINARIAN:

(a) IS IN VIOLATION OF SECTION 12-315-112(1)(ee);

(b) MAY BE LIABLE FOR DAMAGES RESULTING FROM ANY NEGLIGENCE OF THE VETERINARY PROFESSIONAL ASSOCIATE IN PROVIDING CARE TO AN ANIMAL; AND

(c) MAY BE SUBJECT TO PROFESSIONAL DISCIPLINE IN ACCORDANCE WITH SECTION 12-315-112.

(4) IF A VETERINARY PROFESSIONAL ASSOCIATE PERFORMS DUTIES BEYOND THE VETERINARY PROFESSIONAL ASSOCIATE'S TRAINING AND EXPERIENCE OR DOES NOT CONFORM WITH THE REQUIREMENT TO PERFORM ALL DUTIES AND ACTIONS PURSUANT TO SECTION 12-315-105(1)(r) UNDER THE SUPERVISION OF A LICENSED, SUPERVISING VETERINARIAN AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE VETERINARY PROFESSIONAL ASSOCIATE MAY BE SUBJECT TO:

(a) A CEASE-AND-DESIST ORDER PURSUANT TO SECTION 12-20-405;

(b) DAMAGES RESULTING FROM ANY NEGLIGENCE OF THE VETERINARY PROFESSIONAL ASSOCIATE IN PROVIDING CARE TO AN ANIMAL; AND

(c) DISCIPLINE PURSUANT TO SECTIONS 12-20-404 FOR A VIOLATION OF SECTION 12-315-207(1)(n).

SECTION 14. In Colorado Revised Statutes, **amend** 12-315-210 as follows:

12-315-210. Unauthorized practice - penalties. A person who practices or offers or attempts to practice as a veterinary technician OR VETERINARY PROFESSIONAL ASSOCIATE without an active registration issued under this part 2 is subject to penalties pursuant to section 12-20-407 (1)(a).

SECTION 15. 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 – exceptions - definitions.

(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, veterinary technicians, AND VETERINARY PROFESSIONAL ASSOCIATES.

SECTION 16. 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 OR VETERINARY PROFESSIONAL ASSOCIATE, as regulated under article 315 of this title 12; or

SECTION 17. 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, AND VETERINARY PROFESSIONAL ASSOCIATES.

SECTION 18. In Colorado Revised Statutes, 24-72-204, **amend** (3)(a)(XIV) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions - repeal. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that the custodian shall make any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, available to the person in interest in accordance with this subsection (3):

(XIV) Veterinary medical data, information, and records on individual animals that are owned by private individuals or business entities, but are in the custody of a veterinary medical practice or hospital, including the veterinary teaching hospital at Colorado state university, that provides veterinary medical care and treatment to animals. A veterinary-patient-client privilege exists with respect to such data, information, and records only when a person in interest and a veterinarian OR VETERINARY PROFESSIONAL ASSOCIATE enter into a mutual agreement to provide medical treatment for an individual animal and such person in interest maintains an ownership interest in such animal undergoing treatment. For purposes of this subsection (3)(a)(XIV), "person in interest" means the owner of an animal undergoing veterinary medical treatment or such owner's designated representative. Nothing in this subsection (3)(a)(XIV) shall prevent the state agricultural commission, the state agricultural commissioner, or the state board of veterinary medicine from exercising their investigatory and enforcement powers and duties granted pursuant to section 35-1-106 (1)(h), article 50 of title 35, and section 12-315-106 (5)(e), respectively. The veterinary-patient-client privilege described in this subsection (3)(a)(XIV), pursuant to section 12-315-120 (5), may not be asserted for the purpose of excluding or refusing evidence or testimony in a prosecution for an act of animal cruelty under section 18-9-202 or for an act of animal fighting under section 18-9-204.

SECTION 19. Effective date. This act takes effect on January 1, 2026.

Ballot Title Setting Board

Proposed Initiative 2023-2024 #145¹

The title as designated and fixed by the Board is as follows:

A change to the Colorado Revised Statutes creating a new veterinary professional associate profession, and, in connection therewith, establishing qualifications including a master's degree to be a veterinary professional associate; requiring registration with the state board of veterinary medicine; allowing a registered veterinary professional associate to practice veterinary medicine under the supervision of a licensed veterinarian; and making it a misdemeanor to practice as a veterinary professional associate without an active registration.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be a change to the Colorado Revised Statutes creating a new veterinary professional associate profession, and, in connection therewith, establishing qualifications including a master's degree to be a veterinary professional associate; requiring registration with the state board of veterinary medicine; allowing a registered veterinary professional associate to practice veterinary medicine under the supervision of a licensed veterinarian; and making it a misdemeanor to practice as a veterinary professional associate without an active registration?

Hearing February 7, 2024:

Single subject approved; staff draft amended; titles set.

Board members: Theresa Conley, Christy Chase, Kurt Morrison

Hearing adjourned 1:02 P.M.

¹ Unofficially captioned “**Establish Qualifications and Registration for Veterinary Professional Associate**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

Ballot Title Setting Board

Proposed Initiative 2023-2024 #145¹

The title as designated and fixed by the Board is as follows:

A change to the Colorado Revised Statutes creating a new veterinary professional associate profession, and, in connection therewith, establishing qualifications including a master's degree in veterinary clinical care or the equivalent as determined by the state board of veterinary medicine to be a veterinary professional associate; requiring registration with the state board; allowing a registered veterinary professional associate to practice veterinary medicine under the supervision of a licensed veterinarian; and making it a misdemeanor to practice as a veterinary professional associate without an active registration.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be a change to the Colorado Revised Statutes creating a new veterinary professional associate profession, and, in connection therewith, establishing qualifications including a master's degree in veterinary clinical care or the equivalent as determined by the state board of veterinary medicine to be a veterinary professional associate; requiring registration with the state board; allowing a registered veterinary professional associate to practice veterinary medicine under the supervision of a licensed veterinarian; and making it a misdemeanor to practice as a veterinary professional associate without an active registration?

Hearing February 7, 2024:

Single subject approved; staff draft amended; titles set.

Board members: Theresa Conley, Christy Chase, Kurt Morrison

Hearing adjourned 1:02 P.M.

Hearing February 21, 2024:

Motion for rehearing was granted only to the extent the Board made changes to the title.

Board members: Theresa Conley, Christy Chase, Kurt Morrison

Hearing adjourned 10:18 A.M.

¹ Unofficially captioned “**Establish Qualifications and Registration for Veterinary Professional Associate**” by legislative staff for tracking purposes. This caption is not part of the titles set by the Board.

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Will French and Diane Matt,
Objectors,

v.

Apryl Steele and Ali Mickelson,
Designated Representatives of Initiative 2023-2024 #145.

**MOTION FOR REHEARING ON
INITIATIVE 2023-2024 #145**

Through their legal counsel, Will French, a registered elector of Douglas County, and Diane Matt, a registered elector of Denver County, hereby file this motion for rehearing on Initiative 2023-2024 #145.

On February 7, 2024, the Title Setting Board set the following ballot title and submission clause for Initiative 2023-2024 #145:

Shall there be a change to the Colorado Revised Statutes creating a new veterinary professional associate profession, and, in connection therewith, establishing qualifications including a master’s degree to be a veterinary professional associate; requiring registration with the state board of veterinary medicine; allowing a registered veterinary professional associate to practice veterinary medicine under the supervision of a licensed veterinarian; and making it a misdemeanor to practice as a veterinary professional associate without an active registration?

In setting this title, the Board erred in the ways set forth below.

I. The Board lacks jurisdiction to set a title for Initiative 145.

A. The measure is so internally inconsistent that a title cannot be set.

A central component of a licensing scheme is the credentialing a professional must obtain to qualify for a license. Initiative #145 acknowledges the role of credentialing by requiring the board of veterinary medicine to “approve a nationally recognized veterinary professional associate credentialing organization,” which organization would ensure that a veterinary professional associate graduates from a university-approved program and passes a national examination. Proposed C.R.S. § 12-315-106(5)(j).

Obtaining a credential from the board-approved program is not, however, an actual qualification to become a veterinary professional associate. Rather, to qualify for registration, an applicant need only be at least 18 years of age and hold a “master’s degree in veterinary clinical care or the equivalent as determined by the board.” Proposed C.R.S. § 12-315-203.7(2). The Title Board cannot set a title that explains to voters the requirement that the board of veterinary medicine select a credentialing organization (which is responsible for ensuring registrants have graduated from qualifying programs and pass a credentialing test) and, at the same time, a credential from the credentialing organization plays no role in whether a prospective registrant qualifies for registration to be a veterinary professional associate. Indeed, these provisions establish *different* educational requirements:

Credentialing Organization	Qualifications for Registration
“Require completion of a university-approved program for veterinary professional associates” Proposed C.R.S. § 12-315-106(5)(j)(I)	“Hold a master’s degree in veterinary care or the equivalent as determined by the board.” Proposed C.R.S. § 12-315-203.7(2)(b)

Nor can the Board explain the role of the national credentialing organization and its credentials with respect to registration renewal or reinstatement. The measure provides that a veterinary professional associate must “demonstrate” that (s)he “maintains active credentialing with the credentialing organization *or* the veterinary professional associate continues to meet the requirements for registration under this Part 2.” Proposed C.R.S. § 12-315-206(3) (emphasis added); *see also id.* § 12-315-206(4)(a). Once the qualifications for registration are met initially (the person is 18 or older and has a qualifying degree), the registrant will always meet those qualifications. It is not possible to explain what role an “active credential” thus plays in renewal or registration. In such circumstances, where the Board cannot identify how a measure’s key features will operate, it is unable to identify the measure’s single subject and lacks jurisdiction over the initiative. *In re Title, Ballot Title and Submission Clause, and Summary for Initiative 1999-2000 #25*, 974 P.2d 458, 468-49 (Colo. 1999).

In fact, even though appointment of the credentialing organization and its credentialing requirements are a key component of the initiative, the Board cannot include those matters in the title, because, if it did, the titles will be inherently misleading to voters by leading them to believe national credentialing standards will apply to Colorado veterinary practice associates. As it is not possible to set a title that is not misleading, the Board is unable to set a title for the measure.

B. The credentialing scheme constitutes a separate subject because it is not “necessarily and properly connected” to the measure’s single subject.

Moreover, because the national credentialing organization and its credentialing do not implement the veterinary professional associate—by the measure’s terms, it is not a qualification for registration or needed for renewal—it is a separate subject because it is not “necessarily and properly connected” with measure’s purpose of creating a veterinary professional associate registration. *See In re Title, Ballot Title & Submission Clause for 2021-2022 #1*, 2021 CO 55 ¶ 13.

The Proponents were advised of the disconnect between the requirement to have a national credentialing organization and the qualifications for a registration during the review and comment process, and possible ways to address this disconnect. *See* Jan. 22, 2024, Mem. to Proponents at 4 ¶ 9.¹ During the hearing, they acknowledged the comment and that they were considering it. *See* Jan. 25, 2024, Review and Comment Hr’g at 10:22:59.² However, the Proponents left the credentialing organization provision disconnected from the measure’s purpose of creating the registration for the veterinary professional associate occupation.

Not only is the national credentialing provision “disconnected” from the measure’s single subject, it creates the dangers the single subject requirement is intended to avoid: enlisting support from those who would not otherwise support the measure. *See In re 2021-2022 #1, supra*, 2021 CO 55 ¶ 12. The national credentialing provision creates the illusion for voters that there are accepted industry standards applicable to (1) the educational requirements for veterinary professional associate and (2) any person in the profession will have passed a national test. Voters’ pets, livestock, and other animals are, in other words, going to be in the safe hands of a veterinary professional associate because the associate will have met these standards. But under the measure, the credential plays no role in whether a person is qualified to be or will be registered as a veterinary professional associate—it is a sweetener to the measure that will be used to “secur[e] the enactment of [a] measure[] that could not be carried upon [its] merits.” *Id.* (quoting C.R.S. § 1-40-106.5(1)(e)(I)). As such, it is a second subject.

II. The titles set are incomplete and misleading.

The titles set by the Board are incomplete and misleading for the following reasons:

- The titles are misleading because they state that a registrant must have a master’s degree. This is untrue, as the measure states that a registrant must have a “master’s degree in veterinary care *or the equivalent as determined by the board.*” Proposed C.R.S. § 12-315-203.7(2)(b) (emphasis added). The measure does not define an equivalent degree as a “master’s degree,” and instead leaves the decision of what would be an “equivalent” degree to the board.
- The titles are misleading because they state that, to practice veterinary medicine, a veterinary professional associate need only be supervised by a veterinarian. Under the measure, in addition to supervision, the veterinary medicine must be within the associate’s “advanced education and experience.” Proposed C.R.S. § 12-315-105(1)(r).
- The titles are incomplete because they do not inform voters of the board of veterinary medicine’s disciplinary authority with respect to veterinary professional associate registrations.
- The titles are incomplete because they do not inform voters of the duties of licensed veterinarians who supervise veterinary professional associates and the penalties and/or

¹ Available at <http://tinyurl.com/mr3d97k2>.

² Available at <http://tinyurl.com/bdhxn3zx>.

consequences supervising veterinarians may face for improperly supervising a veterinary professional associate.

- The titles are incomplete because they do not inform voters of the penalties and/or consequences that a veterinary professional associate may face for performing in violation of his/her duties under the measure.

WHEREFORE, Objectors seek appropriate relief in light of the above claims, including the striking of the titles set and return of Initiative #145 to Proponents for failure to comply with the single subject requirement of Article V, sec. 1(5.5) of the Colorado Constitution, or correction of the misleading and incomplete ballot title that has been set.

Respectfully submitted this 14th day of February, 2024.

RECHT KORNFELD, P.C.

s/ Nathan Bruggeman

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CERTIFICATE OF SERVICE

I hereby affirm that a true and accurate copy of the **MOTION FOR REHEARING ON INITIATIVE 2023-2024 #145** was sent this day, February 14, 2024, via first-class mail, postage paid and via email to:

Ed Ramey (counsel for proponents)
Tierney Lawrence Stiles LLC
225 E 16th Avenue, Suite 350
Denver, CO 80203
eramey@tls.legal

s/ Erin Mohr



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Summary

Date: February 5, 2024 **Fiscal Analyst:** Clayton Mayfield (303-866-5851)

LCS TITLE: ESTABLISH QUALIFICATIONS AND REGISTRATION FOR VETERINARY PROFESSIONAL ASSOCIATE

Fiscal Summary of Initiative 145

This fiscal summary, prepared by the nonpartisan Director of Research of the Legislative Council, contains a preliminary assessment of the measure's fiscal impact. A full fiscal impact statement for this initiative is or will be available at leg.colorado.gov/bluebook. This fiscal summary identifies the following impact.

State revenue. The measure will increase state revenue from fees charged to individuals that apply for and receive a veterinary professional associate (VPA) registration. Fee revenue will be used by the Department of Regulatory Agencies (DORA) to administer regulation of VPAs. Depending on the number of VPAs, program costs, and when VPAs register, the measure could increase state revenue by about \$300,000 every other year, assuming a two-year registration cycle. Additionally, since the measure makes it a class 2 misdemeanor to practice veterinary medicine as a VPA without an active registration, the measure may increase criminal fines and fees if individuals do not comply with the provisions of the measure.

State expenditures. The measure will increase state expenditures in DORA to administer the regulatory program for VPAs by about \$150,000 per year, assuming registrations and costs are similar to the existing program regulating veterinary technicians. Expenditures will be covered by fees charged to VPAs. Additionally, the measure may increase workload in the trial courts to the extent criminal cases are generated from individuals who violate the provisions of the measure.

Local government impact. Similar to the state, county jail costs may increase to the extent individuals are convicted and sentenced to jail time for the class 2 misdemeanor in the measure.

Economic impacts. While the bill will allow additional professionals to provide veterinary services, overall the impact on the veterinary sector and the state economy is estimated to be minimal.