

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB20-1160 be amended as follows:

1 Amend proposed committee amendment (HB1160_L.002), page 1, strike
2 line 29 and substitute "10-16-1203 (13)(a); EXCEPT THAT THE
3 DISINTERESTED THIRD PARTY OR A STATE AGENCY PURCHASER THAT
4 RECEIVES INFORMATION FROM THE COMMISSIONER PURSUANT TO THIS
5 SUBSECTION (1)(b) SHALL NOT PUBLISH OR OTHERWISE MAKE THE
6 INFORMATION AVAILABLE TO THE PUBLIC EXCEPT IN ACCORDANCE WITH
7 SUBSECTION (1)(b)(I) OF THIS SECTION.

8 (c) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, IF A
9 HEALTH INSURER, MANUFACTURER, OR PHARMACY BENEFIT MANAGEMENT
10 FIRM CLAIMS THAT INFORMATION CONTAINED IN A REPORT SUBMITTED TO
11 THE COMMISSIONER IS A TRADE SECRET, PRIVILEGED INFORMATION, OR
12 CONFIDENTIAL COMMERCIAL OR FINANCIAL DATA IN ACCORDANCE WITH
13 SECTION 24-72-204 (3)(a)(IV), THE COMMISSIONER SHALL NOT POST THE
14 INFORMATION ON THE DIVISION'S WEBSITE OR OTHERWISE MAKE THE
15 INFORMATION AVAILABLE TO THE PUBLIC; EXCEPT THAT THE
16 COMMISSIONER MAY SHARE THE INFORMATION WITH A DISINTERESTED
17 THIRD PARTY WITH WHOM THE COMMISSIONER CONTRACTS TO PERFORM
18 THE ANALYSIS PURSUANT TO SUBSECTION (2) OF THIS SECTION OR WITH
19 OTHER STATE AGENCIES THAT ARE PURCHASERS, AS DEFINED IN SECTION
20 10-16-1203 (13)(a), BUT THE DISINTERESTED THIRD PARTY OR A STATE
21 AGENCY PURCHASER THAT RECEIVES THE INFORMATION SHALL NOT
22 DISCLOSE THE INFORMATION TO THE PUBLIC. A PERSON DENIED ACCESS TO
23 THE INFORMATION MAY SEEK REVIEW IN ACCORDANCE WITH SECTION
24 24-72-204 (5).".

25 Page 2 of the proposed amendment, strike line 1 and substitute:

26 ""(III) THE COMMISSIONER OR A DISINTERESTED THIRD PARTY
27 WITH WHOM THE COMMISSIONER CONTRACTS TO CONDUCT THE ANALYSIS
28 SHALL NOT INCLUDE ANY INFORMATION IN THE REPORT THAT A HEALTH
29 INSURER, MANUFACTURER, OR PHARMACY BENEFIT MANAGEMENT FIRM
30 CLAIMED, PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION, TO BE A
31 TRADE SECRET, PRIVILEGED INFORMATION, OR CONFIDENTIAL
32 COMMERCIAL OR FINANCIAL DATA IN ACCORDANCE WITH SECTION
33 24-72-204 (3)(a)(IV).

34 (IV) FOR PURPOSES OF INFORMATION REPORTED TO THE".

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