After consideration on the merits, the Committee recommends the following:

HB20-1078 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 5, strike "and dispensing fees".

2 Page 2, line 6, strike "(a)".

3 Page 2, strike lines 7 through 23 and substitute "FIRM SHALL NOT REIMBURSE A PHARMACY IN AN AMOUNT LESS THAN THE AMOUNT THAT THE PHARMACY BENEFIT MANAGEMENT FIRM REIMBURSES ANY AFFILIATE FOR THE SAME PHARMACY SERVICES FOR A CLEAN CLAIM."

4 (2) (a) A CONTRACT OR AGREEMENT, INCLUDING A PERFORMANCE-BASED OR VALUE-BASED CONTRACT OR AGREEMENT, BETWEEN A PHARMACY".

5 Page 3, line 1, after "PHARMACY" insert "OR A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION".

6 Page 3, strike lines 7 and 8 and substitute "THE CLAIM AFTER THE POINT OF SALE; EXCEPT THAT;".

7 Page 3, strike line 18 and substitute "PHARMACY OR MAKING ADJUSTMENTS TO CLAIMS IN ACCORDANCE WITH SECTION 10-16-704 (4.5).".

8 Page 3, line 19, strike "(a)".
Page 3, strike line 27 and substitute:

"(4) The Division may promulgate rules to establish the manner in which carriers and pharmacy benefit management firms are required to show compliance with this section."

Page 4, strike lines 1 through 5.

Renumber succeeding subsections accordingly.

Page 4, line 7, after "PHARMACIES" insert "OR PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS".

Page 4, line 18, after "CLAIM." add ""CLEAN CLAIM" DOES NOT INCLUDE A CLAIM BASED ON FRAUD, WASTE, OR ABUSE.".

Page 4, strike line 27.

Page 5, strike lines 1 through 9.

Renumber succeeding section accordingly.

** *** ** *** **