

SENATE COMMITTEE OF REFERENCE REPORT

	April 23, 2025
Chair of Committee	Date

Committee on Health & Human Services.

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

SB25-289 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 2, line 11, strike "DRUGS, INCLUDING" and
2 substitute "DRUGS".
- 3 Page 3, strike line 1.
- 4 Page 3, line 5, after "MAINTAINED" insert "BY A DONOR".
- 5 Page 3, line 6, strike "REQUIREMENTS; AND" and substitute
6 "REQUIREMENTS, SO LONG AS THE COLD CHAIN CAN BE VERIFIED; AND".
- 7 Page 3, line 24, strike "a nonprofit" and substitute "~~a nonprofit~~ AN".
- 8 Page 4, line 6, strike "~~or entity~~" and substitute "or entity".
- 9 Page 4, line 25, strike "REQUIREMENTS." and substitute "REQUIREMENTS,
10 SO LONG AS THE COLD CHAIN CAN BE VERIFIED."
- 11 Page 5, strike lines 25 through 27 and substitute "donated pursuant to this
12 section ~~may~~ SHALL not be resold for profit. The entity that receives the
13 donated materials ~~may charge the end user a handling fee, which fee shall~~
14 ~~not exceed the amount specified by rule of the board~~ AND ARE
15 CONSIDERED NONSALEABLE; EXCEPT THAT HANDLING, DISPENSING, OR
16 USUAL AND CUSTOMARY CHARGES TO AN ELIGIBLE PATIENT, HEALTH PLAN,
17 PHARMACY BENEFIT MANAGER, PHARMACY SERVICE, ADMINISTRATIVE
18 ORGANIZATION, GOVERNMENT AGENCY, OR OTHER ENTITY IS NOT
19 CONSIDERED RESELLING. IF THE DONATION RECIPIENT IS A FOR-PROFIT
20 ENTITY, THESE CHARGES MUST NOT EXCEED THE DONATION RECIPIENT'S

1 COST OF PROVIDING THE MEDICINE, INCLUDING THE CURRENT AND
2 ANTICIPATED COSTS OF EDUCATING ELIGIBLE DONORS AND INDIVIDUAL
3 DONORS, PROVIDING TECHNICAL SUPPORT TO PARTICIPATING DONORS AND
4 INDIVIDUAL DONORS, SHIPPING AND HANDLING, LABOR, STORAGE,
5 LICENSING, UTILITIES, ADVERTISING, TECHNOLOGY, SUPPLIES, AND
6 EQUIPMENT. EXCEPT AS DESCRIBED IN THIS SUBSECTION (4), THE AMOUNT
7 OF THESE CHARGES IS NOT SUBJECT TO ADDITIONAL LIMITATIONS."

8 Page 6, strike line 1.

9 Page 7, line 3, strike "PERSON" and substitute "ENTITY".

10 Page 7, line 4, strike "AN INDIVIDUAL MEMBER OF THE PUBLIC,".

11 Page 7, line 8, strike the second "OR".

12 Page 7, line 9, strike "WHICH PERSON" and substitute "AND ANY OTHER
13 ENTITY REGULATED BY THE BOARD WHICH".

14 Page 7, line 19, strike "UNDERINSURED," and substitute "OR
15 UNDERINSURED.".

16 Page 7, strike line 20.

17 Page 7, strike lines 23 and 24 and substitute "INDIGENT, UNINSURED, OR
18 UNDERINSURED.".

19 Page 8, after line 3 insert:

20 "(g) "INDIVIDUAL DONOR" MEANS A NONLICENSED INDIVIDUAL
21 MEMBER OF THE PUBLIC.".

22 Reletter succeeding paragraphs accordingly.

23 Page 8, lines 4 and 5, strike "DRUGS, INCLUDING FDA-APPROVED DRUGS
24 LABELED FOR INVESTIGATIONAL USE." and substitute "DRUGS.".

25 Page 8, line 10, strike "REQUIREMENTS;" and substitute "SO LONG AS THE
26 COLD CHAIN CAN BE VERIFIED;".

27 Page 9, line 9, after "DONOR" insert "OR AN INDIVIDUAL DONOR".

28 Page 9, line 10, strike "DONORS." and substitute "A DONOR OR AN

- 1 INDIVIDUAL DONOR."
- 2 Page 9, line 25, after "DONOR" insert "OR AN INDIVIDUAL DONOR".
- 3 Page 10, line 18, strike "REPLENISH" and substitute "REPLACE".
- 4 Page 10, strike lines 20 and 21 and substitute "PATIENTS IN ACCORDANCE
5 WITH 42 U.S.C. SEC. 256b, AS AMENDED."
- 6 Page 11, line 14, after the period add "PRESCRIPTION DRUGS SPECIFIED BY
7 NDC NUMBER IN A RECALL NOTICE MUST BE CONSIDERED RECALLED
8 UNLESS THE PRESCRIPTION DRUG HAS AN AFFIXED LOT NUMBER THAT
9 EXCLUDES IT FROM THE RECALL."
- 10 Page 12, line 5, strike "REQUIREMENTS." and substitute "REQUIREMENTS,
11 SO LONG AS THE COLD CHAIN CAN BE VERIFIED."
- 12 Page 12, line 14, after "MANUFACTURER," insert "PRESCRIPTION DRUG
13 OUTLET,".
- 14 Page 13, line 3, strike "DONORS," and substitute "DONORS AND
15 INDIVIDUAL DONORS,".
- 16 Page 13, line 4, strike "DONORS," and substitute "DONORS AND
17 INDIVIDUAL DONORS,".
- 18 Page 14, line 3, strike "DONOR," and substitute "DONOR OR INDIVIDUAL
19 DONOR,".
- 20 Page 14, strike lines 19 through 21 and substitute:
- 21 "(19) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THIS
22 SECTION CONTROLS ALL ACTIVITIES UNDER THE PROGRAM AND
23 SUPERSEDES ANY INCONSISTENT LAW OR RULE."
- 24 Page 14, line 27, after "DONOR," insert "THE INDIVIDUAL DONOR,".
- 25 Page 15, line 8, strike "REPLENISHES," and substitute "REPLACES,".

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