

CHAPTER 12

INSURANCE

HOUSE BILL 16-1095

BY REPRESENTATIVE(S) McCann, Ginal, Primavera, Buckner, Duran, Esgar, Fields, Hamner, Kraft-Tharp, Lee, Lontine, Melton, Mitsch Bush, Moreno, Rosenthal, Ryden, Williams, Young, Hullinghorst;
also SENATOR(S) Crowder, Aguilar, Grantham, Guzman, Heath, Jones, Kefalas, Merrifield, Newell, Scheffel, Todd.

AN ACT**CONCERNING HEALTH INSURANCE COVERAGE FOR EARLY REFILLS OF PRESCRIPTION EYE DROPS.**

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

SECTION 1. In Colorado Revised Statutes, 10-16-104, **add** (22) as follows:

10-16-104. Mandatory coverage provisions - definitions - rules.

(22) **Prescription eye drop refill coverage.** (a) ANY HEALTH BENEFIT PLAN, EXCEPT SUPPLEMENTAL POLICIES COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, THAT PROVIDES COVERAGE FOR PRESCRIPTION EYE DROPS SHALL PROVIDE COVERAGE FOR:

(I) A RENEWAL OF PRESCRIPTION EYE DROPS IF:

(A) THE RENEWAL IS REQUESTED BY THE INSURED AT LEAST TWENTY-ONE DAYS FOR A THIRTY-DAY SUPPLY OF EYE DROPS, FORTY-TWO DAYS FOR A SIXTY-DAY SUPPLY OF EYE DROPS, OR SIXTY-THREE DAYS FOR A NINETY-DAY SUPPLY OF EYE DROPS, FROM THE LATER OF THE DATE THAT THE ORIGINAL PRESCRIPTION WAS DISTRIBUTED TO THE INSURED OR THE DATE THAT THE LAST RENEWAL OF THE PRESCRIPTION WAS DISTRIBUTED TO THE INSURED; AND

(B) THE ORIGINAL PRESCRIPTION STATES THAT ADDITIONAL QUANTITIES ARE NEEDED AND THE RENEWAL REQUESTED BY THE INSURED DOES NOT EXCEED THE NUMBER OF ADDITIONAL QUANTITIES NEEDED; AND

(II) ONE ADDITIONAL BOTTLE OF PRESCRIPTION EYE DROPS IF:

(A) A BOTTLE IS REQUESTED BY THE INSURED OR THE HEALTH CARE PROVIDER AT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE TIME THE ORIGINAL PRESCRIPTION IS FILLED; AND

(B) THE ORIGINAL PRESCRIPTION STATES THAT ONE ADDITIONAL BOTTLE IS NEEDED BY THE INSURED FOR USE IN A DAY CARE CENTER, SCHOOL, OR ADULT DAY PROGRAM. THE ADDITIONAL BOTTLE IS LIMITED TO ONE BOTTLE EVERY THREE MONTHS.

(b) THE PRESCRIPTION EYE DROP BENEFITS COVERED UNDER THIS SUBSECTION (22) ARE SUBJECT TO THE SAME ANNUAL DEDUCTIBLES, COPAYMENT, OR COINSURANCE ESTABLISHED FOR ALL OTHER PRESCRIPTION DRUG BENEFITS UNDER THE HEALTH BENEFIT PLAN.

SECTION 2. Act subject to petition - effective date. This act takes effect January 1, 2017; 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 the ninety-day period after final adjournment of the general assembly, 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 2016 and, in such case, will take effect on January 1, 2017, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: March 9, 2016