

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 17-0587.01 Kristen Forrestal x4217

**SENATE BILL 17-084**

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**SENATE SPONSORSHIP**

**Jahn**, Neville T.

**HOUSE SPONSORSHIP**

**Singer and Esgar**,

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**Senate Committees**

Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A PROHIBITION AGAINST EXCLUDING A DRUG FROM A**  
102                    **HEALTH COVERAGE PLAN IF THE DRUG HAD BEEN APPROVED**  
103                    **FOR COVERAGE BY THE PLAN FOR COVERAGE OF THE ENROLLEE**  
104                    **AT THE TIME THE ENROLLEE ENROLLED IN THE PLAN.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill prohibits a health insurance carrier from excluding or limiting a drug for an enrollee in a health coverage plan if the drug was covered at the time the enrollee enrolled in the plan. A carrier may not

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

raise the costs to the enrollee for the drug during the enrollee's plan year.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-145 as  
3 follows:

4 **10-16-145. Approved drugs - continuity of coverage under**  
5 **health coverage plan.** (1) A CARRIER SHALL NOT LIMIT OR EXCLUDE

6 COVERAGE FOR A DRUG FOR A MEDICAL CONDITION OF AN ENROLLEE IF:

7 (a) THE DRUG WAS COVERED BY THE HEALTH COVERAGE PLAN AT  
8 THE TIME THE ENROLLEE ENROLLED IN THE PLAN;

9 (b) THE HEALTH CARE PROVIDER CONTINUES TO PRESCRIBE THE  
10 DRUG FOR THE ENROLLEE; AND

11 (c) THE DRUG IS SAFE AND EFFECTIVE, AS DETERMINED BY THE  
12 PRESCRIBING HEALTH CARE PROVIDER, FOR TREATING THE ENROLLEE'S  
13 MEDICAL CONDITION.

14 (2) A CARRIER SHALL NOT INCREASE THE AMOUNT AN ENROLLEE  
15 PAYS FOR A COPAYMENT, COINSURANCE, OR DEDUCTIBLE FOR  
16 PRESCRIPTION DRUG BENEFITS OR SET LIMITATIONS ON MAXIMUM  
17 COVERAGE OF PRESCRIPTION DRUG BENEFITS DURING THE ENROLLEE'S  
18 PLAN YEAR.

19 (3) IF A CARRIER USES A TIERED FORMULARY, THE CARRIER SHALL  
20 NOT MOVE A DRUG TO A DISADVANTAGED TIER IF:

21 (a) THE DRUG WAS APPROVED FOR THE ENROLLEE AT THE TIME THE  
22 ENROLLEE ENROLLED IN THE HEALTH COVERAGE PLAN;

23 (b) THE PRESCRIBING HEALTH CARE PROVIDER CONTINUES TO  
24 PRESCRIBE THE DRUG; AND

25 (c) THE DRUG IS SAFE AND EFFECTIVE FOR THE ENROLLEE, AS

1 DETERMINED BY THE PRESCRIBING HEALTH CARE PROVIDER.

2           **SECTION 2. Act subject to petition - effective date.** This act  
3 takes effect January 1, 2018; except that, if a referendum petition is filed  
4 pursuant to section 1 (3) of article V of the state constitution against this  
5 act or an item, section, or part of this act within the ninety-day period  
6 after final adjournment of the general assembly, then the act, item,  
7 section, or part will not take effect unless approved by the people at the  
8 general election to be held in November 2018 and, in such case, will take  
9 effect on the date of the official declaration of the vote thereon by the  
10 governor.