

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-0522.01 Kristen Forrestal x4217

HOUSE BILL 18-1148

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Crowder,

House Committees

Public Health Care & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE PROHIBITION AGAINST A CARRIER REQUIRING STEP**
102 **THERAPY FOR COVERED PERSONS WITH STAGE FOUR ADVANCED**
103 **METASTATIC CANCER.**

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 carrier that issues a health benefit plan that covers treatment for stage four advanced metastatic cancer from requiring a cancer patient to undergo step therapy prior to receiving a drug approved by the United States food and drug administration if use of the approved drug is consistent with best practices for treatment of the

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

SENATE
2nd Reading Unamended
March 28, 2018

HOUSE
3rd Reading Unamended
February 26, 2018

HOUSE
Amended 2nd Reading
February 23, 2018

cancer.

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

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

4 **10-16-145. Step therapy - prohibited - definitions.** (1) For the
5 purposes of this section AND SECTION 10-16-145.5, "step therapy" means
6 a protocol that requires a covered person to use a prescription drug or
7 sequence of prescription drugs, other than the drug that the covered
8 person's health care provider recommends for the covered person's
9 treatment, before the carrier provides coverage for the recommended
10 prescription drug.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 10-16-145.5 as
12 follows:

13 **10-16-145.5. Step therapy prohibited - stage four advanced**
14 **metastatic cancer - definition.** (1) NOTWITHSTANDING SECTION
15 10-16-145, A CARRIER THAT PROVIDES COVERAGE UNDER A HEALTH
16 BENEFIT PLAN FOR THE TREATMENT OF STAGE FOUR ADVANCED
17 METASTATIC CANCER SHALL NOT LIMIT OR EXCLUDE COVERAGE UNDER
18 THE HEALTH BENEFIT PLAN FOR A DRUG APPROVED BY THE UNITED STATES
19 FOOD AND DRUG ADMINISTRATION AND THAT IS ON THE CARRIER'S
20 PRESCRIPTION DRUG FORMULARY BY MANDATING THAT A COVERED
21 PERSON WITH STAGE FOUR ADVANCED METASTATIC CANCER UNDERGO
22 STEP THERAPY IF THE USE OF THE APPROVED DRUG IS CONSISTENT WITH:

23 (a) THE UNITED STATES FOOD AND DRUG
24 ADMINISTRATION-APPROVED INDICATION OR THE NATIONAL
25 COMPREHENSIVE CANCER NETWORK DRUGS AND BIOLOGICS COMPENDIUM

1 INDICATION FOR THE TREATMENT OF STAGE FOUR ADVANCED METASTATIC
2 CANCER; OR

3 (b) PEER-REVIEWED MEDICAL LITERATURE.

4 (2) FOR THE PURPOSES OF THIS SECTION, "STAGE FOUR ADVANCED
5 METASTATIC CANCER" MEANS CANCER THAT HAS SPREAD FROM THE
6 PRIMARY OR ORIGINAL SITE OF THE CANCER TO NEARBY TISSUES, LYMPH
7 NODES, OR OTHER PARTS OF THE BODY.

8 **SECTION 3. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect January 1, 2019; except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within the ninety-day period after final adjournment of the general
13 assembly, then the act, item, section, or part will not take effect unless
14 approved by the people at the general election to be held in November
15 2018 and, in such case, will take effect on January 1, 2019, or on the date
16 of the official declaration of the vote thereon by the governor, whichever
17 is later.

18 (2) This act applies to health benefit plans issued, amended, or
19 renewed on or after the applicable effective date of this act.