

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0675.01 Yelana Love x2295

HOUSE BILL 18-1284

HOUSE SPONSORSHIP

Buckner and Wilson,

SENATE SPONSORSHIP

Martinez Humenik and Kefalas,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COST OF PRESCRIPTION DRUGS PURCHASED AT A**
102 **PHARMACY.**

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 enacts the "Patient Drug Costs Savings Act" (act). The act prohibits a carrier that has a contract with a pharmacy or pharmacist, or a pharmacy benefit management firm acting on behalf of a carrier, from:

- ! Prohibiting a pharmacy or pharmacist from, or penalizing a pharmacy or pharmacist for, providing a covered person information on the amount of the covered person's cost

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.

share for the covered person's prescription drug and the clinical efficacy of any more affordable alternative drugs that are therapeutically equivalent; or

- ! Requiring a pharmacy to charge or collect a copayment from a covered person that exceeds the total submitted charges by the network pharmacy.

The act requires the commissioner of insurance to act when the commissioner determines that a carrier or pharmacy benefit management firm has not complied with the above prohibitions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-122.7 as
3 follows:

4 **10-16-122.7. Disclosures between pharmacists and patients -**
5 **carrier prohibitions - short title - legislative declaration - preemption**

6 **by federal law.** (1) THE SHORT TITLE OF THIS SECTION IS THE "PATIENT
7 DRUG COSTS SAVINGS ACT".

8 (2) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

9 (a) CONSUMERS HAVE THE RIGHT TO KNOW ABOUT OPTIONS TO
10 REDUCE THE AMOUNT OF MONEY THEY PAY AT A PHARMACY FOR
11 PRESCRIPTION DRUGS; AND

12 (b) THIS SECTION WILL SAVE CONSUMERS MONEY BY ALLOWING
13 PHARMACISTS TO PROVIDE INFORMATION CONCERNING THE COST OF
14 PRESCRIPTION DRUGS.

15 (3) A CARRIER THAT HAS A CONTRACT WITH A PHARMACY OR
16 PHARMACIST, OR A PHARMACY BENEFIT MANAGEMENT FIRM ACTING ON
17 BEHALF OF A CARRIER, SHALL NOT:

18 (a) PROHIBIT A PHARMACY OR PHARMACIST FROM PROVIDING A
19 COVERED PERSON INFORMATION ON THE AMOUNT OF THE COVERED
20 PERSON'S COST SHARE FOR THE COVERED PERSON'S PRESCRIPTION DRUG

1 AND THE CLINICAL EFFICACY OF A MORE AFFORDABLE ALTERNATIVE DRUG
2 THAT IS THERAPEUTICALLY EQUIVALENT, AS DEFINED IN SECTION
3 12-42.5-102 (40), TO THE PRESCRIBED DRUG IF ONE IS AVAILABLE;

4 (b) PENALIZE A PHARMACY OR A PHARMACIST FOR DISCLOSING THE
5 INFORMATION DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION TO A
6 COVERED PERSON OR SELLING A MORE AFFORDABLE ALTERNATIVE TO A
7 COVERED PERSON; OR

8 (c) REQUIRE A PHARMACY TO CHARGE OR COLLECT A COPAYMENT
9 FROM A COVERED PERSON THAT EXCEEDS THE TOTAL CHARGES SUBMITTED
10 BY THE NETWORK PHARMACY.

11 (4) IF THE COMMISSIONER DETERMINES THAT A CARRIER HAS NOT
12 COMPLIED WITH THIS SECTION, THE COMMISSIONER SHALL INSTITUTE A
13 CORRECTIVE ACTION PLAN FOR THE CARRIER TO FOLLOW OR USE ANY OF
14 THE COMMISSIONER'S ENFORCEMENT POWERS UNDER THIS TITLE 10 TO
15 OBTAIN THE CARRIER'S COMPLIANCE WITH THIS SECTION.

16 (5) IF ANY PROVISION OF THIS SECTION IS INCONSISTENT WITH, OR
17 IN CONFLICT WITH, AN APPLICABLE FEDERAL LAW, RULE, OR REGULATION,
18 THE APPLICABLE FEDERAL LAW, RULE, OR REGULATION APPLIES.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

1 November 2018 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.