

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0406.01 Richard Sweetman x4333

**SENATE BILL 19-005**

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**SENATE SPONSORSHIP**

**Rodriguez and Ginal,**

**HOUSE SPONSORSHIP**

**Jaquez Lewis,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING WHOLESALE IMPORTATION OF PRESCRIPTION**  
102              **PHARMACEUTICAL PRODUCTS FROM CANADA FOR RESALE TO**  
103              **COLORADO RESIDENTS, AND, IN CONNECTION THEREWITH,**  
104              **MAKING AN APPROPRIATION.**

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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 creates the "Colorado Wholesale Importation of Prescription Drugs Act", under which the department of health care policy and financing (department) shall design a program to import

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.

prescription pharmaceutical products from Canada for sale to Colorado consumers. The program design must ensure both drug safety and cost savings for Colorado consumers. The department shall submit the program design to the secretary of the United States department of health and human services and request the secretary's approval of the program, as required by federal law, to import Canadian pharmaceutical products.

If the secretary approves the program, the department shall implement the program. The department shall adopt a funding mechanism to cover the program's administrative costs, and the department shall annually report on the program to the general assembly.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4           (a) United States consumers pay some of the highest prescription  
5 drug prices in the world, and it is estimated that United States consumers  
6 pay twice as much as the amount Canadian consumers pay for patented  
7 prescription drugs and twenty percent more for generic drugs;

8           (b) Federal law, as codified in 21 U.S.C. sec. 384, authorizes the  
9 secretary of the United States department of health and human services  
10 to allow wholesale importation of prescription drugs from Canada if such  
11 importation is shown to be both safe and less costly for United States  
12 consumers;

13           (c) Although importing prescription drugs would be less costly,  
14 there may be risks posed to consumer health and safety if the source,  
15 quality, and purity of prescription drugs sold by online pharmacies cannot  
16 be verified;

17           (d) Canada has a rigorous regulatory system to license prescription  
18 drugs, equivalent to the licensing system in the United States;

19           (e) In the United States, Title II of the federal "Drug Quality and  
20 Security Act", Pub.L. 113-54, referred to as the "Drug Supply Chain

1 Security Act", has significantly improved drug security and safety through  
2 a system of pharmaceutical product track-and-trace procedures; and

3 (f) A wholesale drug importation program for the exclusive  
4 benefit of Colorado residents should be designed and implemented to  
5 provide Colorado consumers access to safe and less expensive  
6 prescription drugs.

7 **SECTION 2.** In Colorado Revised Statutes, 25.5-1-201, **amend**  
8 **(1) introductory portion, (1)(f), and (1)(g); and add (1)(h) as follows:**

9 **25.5-1-201. Programs to be administered by the department**  
10 **of health care policy and financing. (1) ~~Programs to be administered~~**  
11 **and functions to be performed by The department of health care policy**  
12 **and financing shall be as follows ADMINISTER THE FOLLOWING PROGRAMS**  
13 **AND PERFORM THE FOLLOWING FUNCTIONS:**

14 (f) The old age pension health and medical care program, as  
15 specified in section 25.5-2-101; and

16 (g) Programs, services, and supports for persons with intellectual  
17 and developmental disabilities, as specified in article 10 of this title TITLE  
18 25.5; AND

19 (h) ANY PROGRAM CONCERNING THE WHOLESALE IMPORTATION OF  
20 PRESCRIPTION DRUGS PURSUANT TO PART 2 OF ARTICLE 2.5 OF THIS TITLE  
21 25.5.

22 **SECTION 3.** In Colorado Revised Statutes, **add** part 2 to article  
23 2.5 of title 25.5 as follows:

24 PART 2

25 WHOLESAL IMPORTATION OF PRESCRIPTION DRUGS

26 **25.5-2.5-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE  
27 "COLORADO WHOLESALE IMPORTATION OF PRESCRIPTION DRUGS ACT".

1           **25.5-2.5-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:

3           (1) "ACTUAL ACQUISITION COST" MEANS THE PRICE PAID FOR AN  
4 IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCT BY A WHOLESALER  
5 UNDER THE IMPORTATION PROGRAM.

6           (2) "CARRIER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
7 10-16-102 (8).

8           (3) "IMPORTATION PROGRAM" MEANS A PROGRAM ADMINISTERED  
9 BY THE STATE DEPARTMENT IN ACCORDANCE WITH THIS PART 2.

10           (4) "LICENSED PROVIDER" MEANS A PERSON WHO IS LICENSED TO  
11 PRESCRIBE PHARMACEUTICAL PRODUCTS TO CONSUMERS BY A HEALTH  
12 CARE PRESCRIBER BOARD DESCRIBED IN SECTION 24-34-112 (1)(a).

13           (5) "SECRETARY" MEANS THE SECRETARY OF THE UNITED STATES  
14 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

15           **25.5-2.5-203. Wholesale drug importation program - state**  
16 **department to design program - program requirements.** (1) ON OR  
17 BEFORE JULY 1, 2020, THE STATE DEPARTMENT, IN CONSULTATION WITH  
18 RELEVANT STAKEHOLDERS AND FEDERAL AGENCIES, SHALL DESIGN AN  
19 IMPORTATION PROGRAM TO IMPORT PRESCRIPTION PHARMACEUTICAL  
20 PRODUCTS FROM ONE OR MORE LICENSED CANADIAN SUPPLIERS SOLELY  
21 FOR DISTRIBUTION TO PARTICIPATING IN-STATE PHARMACIES AND OTHER  
22 LICENSED PROVIDERS FOR THE EXCLUSIVE PURPOSE OF DISPENSING  
23 PRESCRIPTION PHARMACEUTICAL PRODUCTS TO COLORADO RESIDENTS  
24 WITH VALID PRESCRIPTIONS. IN DESIGNING THE IMPORTATION PROGRAM,  
25 THE STATE DEPARTMENT SHALL ENSURE THAT THE IMPORTATION  
26 PROGRAM SATISFIES THE REQUIREMENTS OF 21 U.S.C. SEC. 384. THE  
27 STATE DEPARTMENT SHALL INCLUDE IN THE DESIGN OF THE IMPORTATION

1 PROGRAM INFORMATION INDICATING HOW THE IMPORTATION PROGRAM  
2 WILL:

3 (a) DESIGNATE AN OFFICE OR DIVISION OF A STATE AGENCY THAT  
4 SHALL BECOME A LICENSED PHARMACEUTICAL WHOLESALER OR  
5 CONTRACT WITH A PHARMACEUTICAL WHOLESALER LICENSED PURSUANT  
6 TO PART 3 OF ARTICLE 42.5 OF TITLE 12;

7 (b) ENSURE DRUG SAFETY AND COST SAVINGS FOR COLORADO  
8 CONSUMERS;

9 (c) MEET THE REQUIREMENTS FOR WHOLESALER LICENSES IN  
10 ACCORDANCE WITH PART 3 OF ARTICLE 42.5 OF TITLE 12;

11 (d) SELECT QUALIFIED CANADIAN PHARMACEUTICAL SUPPLIERS  
12 THAT ARE LICENSED AND REGULATED UNDER CANADIAN NATIONAL OR  
13 PROVINCIAL LAWS;

14 (e) SAMPLE IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCTS  
15 FOR PURITY, CHEMICAL COMPOSITION, AND POTENCY TO THE EXTENT  
16 REQUIRED BY FEDERAL LAW;

17 (f) DETERMINE WHICH PRESCRIPTION PHARMACEUTICAL PRODUCTS  
18 WILL BE IMPORTED AND ENSURE THAT ALL IMPORTED PRODUCTS ARE  
19 SIGNIFICANTLY LESS COSTLY TO COLORADO CONSUMERS THAN THE  
20 EQUIVALENT UNITED STATES-LICENSED PRESCRIPTION PHARMACEUTICAL  
21 PRODUCTS;

22 (g) ENSURE THAT IMPORTED PRESCRIPTION PHARMACEUTICAL  
23 PRODUCTS ARE NOT DISTRIBUTED, DISPENSED, OR SOLD OUTSIDE OF  
24 COLORADO;

25 (h) ENSURE THAT PARTICIPATING PHARMACIES AND OTHER  
26 LICENSED PROVIDERS CHARGE INDIVIDUAL CONSUMERS, CARRIERS, AND  
27 OTHER PAYERS NO MORE THAN THE LIMIT ESTABLISHED BY THE STATE

1 DEPARTMENT FOR EACH IMPORTED PRESCRIPTION PHARMACEUTICAL  
2 PRODUCT;

3 (i) ENSURE THAT EACH PAYMENT MADE BY A CARRIER FOR  
4 REIMBURSEMENT OF THE PRODUCT COMPONENT OF ANY CLAIM DOES NOT  
5 EXCEED THE LIMIT ESTABLISHED BY THE STATE DEPARTMENT FOR THE  
6 IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCT FOR WHICH THE  
7 PAYMENT IS MADE;

8 (j) ENSURE THAT CARRIERS MAINTAIN UP-TO-DATE FORMULARIES  
9 AND CLAIMS PAYMENT SYSTEMS FOR THEIR PARTICIPATING HEALTH PLANS  
10 CONSISTENT WITH THE IMPORTATION PROGRAM;

11 (k) ENSURE THAT PARTICIPATING CARRIERS BASE THEIR HEALTH  
12 PLAN COINSURANCE AND PATIENT COST-SHARING ON PRICES THAT ARE NO  
13 HIGHER THAN THE LIMIT ESTABLISHED BY THE STATE DEPARTMENT FOR  
14 EACH IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCT;

15 (l) ENSURE THAT PARTICIPATING CARRIERS DEMONSTRATE TO THE  
16 STATE DEPARTMENT HOW SAVINGS ON IMPORTED PRESCRIPTION  
17 PHARMACEUTICAL PRODUCTS ARE REFLECTED IN PREMIUMS FOR THE  
18 CARRIERS' HEALTH PLANS;

19 (m) SET A MAXIMUM PROFIT MARGIN SO THAT A WHOLESALER,  
20 DISTRIBUTOR, PHARMACY, OR OTHER LICENSED PROVIDER PARTICIPATING  
21 IN THE IMPORTATION PROGRAM MAINTAINS A PROFIT MARGIN THAT IS NO  
22 GREATER THAN THE PROFIT MARGIN THAT THE WHOLESALER,  
23 DISTRIBUTOR, PHARMACY, OR OTHER LICENSED PROVIDER WOULD HAVE  
24 EARNED ON THE EQUIVALENT NONIMPORTED DRUG;

25 (n) EXCLUDE GENERIC PRODUCTS IF THE IMPORTATION OF THE  
26 PRODUCTS WOULD VIOLATE UNITED STATES PATENT LAWS APPLICABLE TO  
27 UNITED STATES-BRANDED PRODUCTS;

1           (o) COMPLY WITH THE REQUIREMENTS OF 21 U.S.C. SEC. 360eee  
2 TO 360eee-4 PERTAINING TO THE TRACK-AND-TRACE REQUIREMENTS AS  
3 ENACTED IN TITLE II OF THE FEDERAL "DRUG QUALITY AND SECURITY  
4 ACT", PUB.L. 113-54; AND

5           (p) DETERMINE A METHOD FOR COVERING THE ADMINISTRATIVE  
6 COSTS OF THE IMPORTATION PROGRAM, WHICH METHOD MAY INCLUDE A  
7 FEE IMPOSED ON EACH PRESCRIPTION PHARMACEUTICAL PRODUCT SOLD  
8 THROUGH THE PROGRAM OR ANY OTHER APPROPRIATE METHOD AS  
9 DETERMINED BY THE STATE DEPARTMENT, BUT THE STATE DEPARTMENT  
10 SHALL NOT REQUIRE A FEE IN AN AMOUNT THAT THE STATE DEPARTMENT  
11 DETERMINES WOULD SIGNIFICANTLY REDUCE CONSUMER SAVINGS.

12           ==  
13           **25.5-2.5-204. Draft report - public meetings - final report -**

14 **repeal.** (1) ON OR BEFORE JULY 1, 2020, THE STATE DEPARTMENT SHALL:

15           (a) PREPARE AND PUBLICLY RELEASE A DRAFT REPORT THAT FULLY  
16 DESCRIBES THE PROPOSED IMPORTATION PROGRAM AND ANY OTHER  
17 IMPORTATION OPTIONS THE STATE DEPARTMENT MAY DESCRIBE; AND

18           (b) POST THE DRAFT REPORT ON ITS WEBSITE AND SUBMIT THE  
19 DRAFT REPORT TO THE JOINT BUDGET COMMITTEE, THE HEALTH AND  
20 HUMAN SERVICES COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE  
21 AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES,  
22 AND THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE OF  
23 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

24           (2) NOT LESS THAN FIFTEEN DAYS NOR MORE THAN FORTY-FIVE  
25 DAYS AFTER THE DATE THE STATE DEPARTMENT POSTS THE REPORT ON  
26 THE STATE DEPARTMENT'S WEBSITE, THE STATE DEPARTMENT SHALL HOLD  
27 AT LEAST TWO PUBLIC MEETINGS TO RECEIVE COMMENTS ON THE DRAFT

1 REPORT. AT LEAST ONE MEETING MUST BE HELD IN THE DENVER  
2 METROPOLITAN AREA, AND AT LEAST ONE MEETING MUST BE HELD IN  
3 WESTERN COLORADO.

4 (3) FOLLOWING THE PUBLIC MEETINGS REQUIRED BY SUBSECTION  
5 (2) OF THIS SECTION, AND NO LATER THAN NOVEMBER 15, 2020, THE  
6 STATE DEPARTMENT SHALL PREPARE AND PUBLICLY RELEASE A FINAL  
7 REPORT THAT FULLY DESCRIBES THE IMPORTATION PROGRAM. THE STATE  
8 DEPARTMENT SHALL POST THE FINAL REPORT ON ITS WEBSITE AND SUBMIT  
9 THE FINAL REPORT TO THE JOINT BUDGET COMMITTEE, THE HEALTH AND  
10 HUMAN SERVICES COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE  
11 AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES,  
12 AND THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE OF  
13 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

14 (4) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 1, 2020.

15 **25.5-2.5-205. Request for secretary's approval - effect of**  
16 **approval - notice to revisor of statutes.** (1) ON OR BEFORE JANUARY 1,  
17 2021, THE EXECUTIVE DIRECTOR SHALL SUBMIT A FORMAL REQUEST TO  
18 THE SECRETARY FOR REVIEW AND APPROVAL OF THE IMPORTATION  
19 PROGRAM. THE EXECUTIVE DIRECTOR SHALL PROVIDE INFORMATION  
20 REQUESTED BY THE SECRETARY DURING THE SECRETARY'S REVIEW. THE  
21 EXECUTIVE DIRECTOR MAY MODIFY THE IMPORTATION PROGRAM DESIGN  
22 AS REQUIRED BY THE SECRETARY SO LONG AS THE MODIFICATIONS ARE  
23 CONSISTENT WITH THIS PART 2.

24 (2) SECTIONS 25.5-2.5-206 TO 25.5-2.5-209 TAKE EFFECT IF THE  
25 SECRETARY APPROVES THE IMPORTATION PROGRAM BY DETERMINING  
26 THAT THE IMPORTATION PROGRAM COMPLIES WITH 21 U.S.C. SEC. 384.  
27 THE EXECUTIVE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN

1 WRITING THAT THE SECRETARY HAS APPROVED THE IMPORTATION  
2 PROGRAM BY E-MAILING THE NOTICE TO  
3 REVISOROFSTATUTES.GA@STATE.CO.US. SECTIONS 25.5-2.5-206 TO  
4 25.5-2.5-209 TAKE EFFECT ON:

5 (a) THE DATE SPECIFIED IN THE EXECUTIVE DIRECTOR'S NOTICE TO  
6 THE REVISOR OF STATUTES THAT THE SECRETARY HAS APPROVED THE  
7 IMPORTATION PROGRAM; OR

8 (b) THE DATE OF SAID NOTICE IF THE NOTICE DOES NOT SPECIFY A  
9 DIFFERENT DATE.

10 **25.5-2.5-206. Importation program authorized - rules.**

11 (1) UPON APPROVAL BY THE SECRETARY, IN ACCORDANCE WITH SECTION  
12 25.5-2.5-205, THE STATE DEPARTMENT SHALL ADMINISTER AN  
13 IMPORTATION PROGRAM.

14 (2) THE STATE DEPARTMENT SHALL APPROVE A METHOD OF  
15 FINANCING THE ADMINISTRATIVE COSTS OF THE IMPORTATION PROGRAM,  
16 WHICH METHOD MAY INCLUDE IMPOSING A FEE ON EACH PRESCRIPTION  
17 PHARMACEUTICAL PRODUCT SOLD THROUGH THE IMPORTATION PROGRAM  
18 OR ANY OTHER APPROPRIATE METHOD DETERMINED BY THE STATE  
19 DEPARTMENT TO FINANCE ADMINISTRATIVE COSTS. THE STATE  
20 DEPARTMENT SHALL NOT REQUIRE A FEE IN AN AMOUNT THAT THE STATE  
21 DEPARTMENT DETERMINES WOULD SIGNIFICANTLY REDUCE CONSUMER  
22 SAVINGS.

23 (3) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES, IN  
24 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AND SECTION 25.5-1-108, AS  
25 NECESSARY FOR THE ADMINISTRATION OF THIS PART 2.

26 **25.5-2.5-207. Importation program implementation.** (1) TO  
27 IMPLEMENT THE IMPORTATION PROGRAM, THE STATE DEPARTMENT SHALL:

1 (a) BASED ON THE RELEVANT CRITERIA CONTAINED IN THE  
2 IMPORTATION PROGRAM DESIGN, DEVELOP AND ISSUE A REQUEST FOR  
3 PROPOSALS FROM ONE OR MORE PHARMACEUTICAL WHOLESALERS  
4 LICENSED BY THE STATE BOARD OF PHARMACY IN ACCORDANCE WITH PART  
5 3 OF ARTICLE 42.5 OF TITLE 12. THE STATE DEPARTMENT SHALL SELECT  
6 THE LICENSED PHARMACEUTICAL WHOLESALERS BEST SUITED TO IMPORT  
7 PRESCRIPTION PHARMACEUTICAL PRODUCTS UNDER THE IMPORTATION  
8 PROGRAM. IN ADDITION TO ANY OTHER TERMS REQUIRED BY THE STATE  
9 DEPARTMENT, A WHOLESALER SHALL AGREE TO:

10 (I) DEVELOP A REGISTRATION SYSTEM TO ENROLL DISTRIBUTORS,  
11 PHARMACIES AND OTHER LICENSED PROVIDERS, AND CARRIERS IN THE  
12 IMPORTATION PROGRAM;

13 (II) ESTABLISH AN OUTREACH AND MARKETING PLAN TO FOSTER  
14 PUBLIC AWARENESS OF THE IMPORTATION PROGRAM; AND

15 (III) ESTABLISH A TELEPHONE HOTLINE AND CREATE AN INTERNET  
16 PORTAL TO ADDRESS QUESTIONS REGARDING THE IMPORTATION PROGRAM  
17 AND TO ASSIST PHARMACIES, OTHER LICENSED PROVIDERS, AND CARRIERS  
18 IN REGISTERING FOR THE IMPORTATION PROGRAM.

19 (b) REQUIRE PARTICIPATING PHARMACIES OR OTHER LICENSED  
20 PROVIDERS TO CONTRACT DIRECTLY WITH THE PHARMACEUTICAL  
21 WHOLESALERS SELECTED BY THE STATE DEPARTMENT;

22 (c) REQUIRE PARTICIPATING CANADIAN SUPPLIERS TO CONTRACT  
23 DIRECTLY WITH THE PHARMACEUTICAL WHOLESALERS SELECTED BY THE  
24 STATE DEPARTMENT; AND

25 (d) ESTABLISH AND MAKE PUBLICLY AVAILABLE THE INITIAL LIST  
26 OF IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCTS COVERED BY  
27 THE IMPORTATION PROGRAM AND THE ACTUAL ACQUISITION COST FOR

1 EACH LISTED PRESCRIPTION PHARMACEUTICAL PRODUCT. AT ANY TIME,  
2 THE STATE DEPARTMENT MAY ADD TO OR REMOVE FROM THE  
3 IMPORTATION PROGRAM PRESCRIPTION PHARMACEUTICAL PRODUCTS. THE  
4 STATE DEPARTMENT SHALL UPDATE THE PUBLIC LIST OF INCLUDED  
5 PRODUCTS AT LEAST QUARTERLY.

6 **25.5-2.5-208. Report to the general assembly.**

7 (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR BEFORE  
8 JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER, THE EXECUTIVE  
9 DIRECTOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE,  
10 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE  
11 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF  
12 REPRESENTATIVES, AND THE HEALTH AND INSURANCE COMMITTEE OF THE  
13 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

14 (2) THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
15 MUST INCLUDE THE FOLLOWING:

16 (a) THE SPECIFIC PRESCRIPTION PHARMACEUTICAL PRODUCTS  
17 IMPORTED THROUGH THE IMPORTATION PROGRAM;

18 (b) THE NUMBER OF WHOLESALERS, DISTRIBUTORS, PHARMACIES  
19 AND OTHER LICENSED PROVIDERS, AND CARRIERS THAT ARE  
20 PARTICIPATING IN THE IMPORTATION PROGRAM;

21 (c) THE NUMBER OF IMPORTED PRESCRIPTION PHARMACEUTICAL  
22 PRODUCTS DISPENSED AND SOLD THROUGH THE IMPORTATION PROGRAM;

23 (d) THE ESTIMATED SAVINGS TO CONSUMERS, CARRIERS, AND  
24 EMPLOYERS RESULTING FROM THE IMPORTATION PROGRAM;

25 (e) THE INFORMATION COLLECTED PURSUANT TO SECTION  
26 25.5-2.5-209; AND

27 (f) ANY OTHER INFORMATION THE STATE DEPARTMENT DEEMS

1 RELEVANT.

2 **25.5-2.5-209. Monitoring anticompetitive behavior.** THE STATE  
3 DEPARTMENT SHALL, IN CONSULTATION WITH THE ATTORNEY GENERAL,  
4 IDENTIFY THE POTENTIAL FOR ANTICOMPETITIVE BEHAVIOR IN THE  
5 PHARMACEUTICAL INDUSTRY AND OTHER HEALTH CARE INDUSTRIES THAT  
6 ARE AFFECTED BY THE IMPORTATION PROGRAM. THE STATE DEPARTMENT  
7 SHALL INCLUDE INFORMATION CONCERNING POTENTIAL ANTICOMPETITIVE  
8 BEHAVIOR IN THE REPORT REQUIRED BY SECTION 25.5-2.5-208.

9 **SECTION 4.** In Colorado Revised Statutes, **amend** 25.5-2.5-101  
10 as follows:

11 **25.5-2.5-101. Short title.** THE SHORT TITLE OF this ~~article shall be~~  
12 ~~known and may be cited as~~ PART 1 IS the "Colorado Cares Rx Act".

13 **SECTION 5.** In Colorado Revised Statutes, 25.5-2.5-103, **amend**  
14 (3) as follows:

15 **25.5-2.5-103. Lower-cost prescription drugs - information -**  
16 **research - reporting.** (3) The state department shall report annually to  
17 the PUBLIC health CARE and human services ~~committees~~ COMMITTEE of  
18 the house of representatives and THE HEALTH AND HUMAN SERVICES  
19 COMMITTEE OF the senate, or any successor committees, concerning the  
20 provisions of this ~~article~~ PART 1.

21 **SECTION 6. Appropriation - adjustments to 2019 long bill.**  
22 (1) For the 2019-20 state fiscal year, \$1,361,217 is appropriated to the  
23 department of health care policy and financing. This appropriation is from  
24 the general fund. To implement this act, the department may use this  
25 appropriation as follows:

26 (a) \$469,293 for personal services, which amount is based on an  
27 assumption that the department will require an additional 4.1 FTE;

- 1           (b) \$59,230 for operating expenses;  
2           (c) \$186,534 for legal services;  
3           (d) \$296,160 for payments to OIT; and  
4           (e) \$350,000 for general professional services and special  
5 projects.

6           (2) For the 2019-20 state fiscal year, \$186,534 is appropriated to  
7 the department of law. This appropriation is from reappropriated funds  
8 received from the department of health care policy and financing under  
9 subsection (1)(c) of this section and is based on an assumption that the  
10 department of law will require an additional 1.0 FTE. To implement this  
11 act, the department of law may use this appropriation to provide legal  
12 services for the department of health care policy and financing.

13           (3) For the 2019-20 state fiscal year, \$296,160 is appropriated to  
14 the office of the governor for use by the office of information technology.  
15 This appropriation is from reappropriated funds received from the  
16 department of health care policy and financing under subsection (1)(d) of  
17 this section. To implement this act, the office may use this appropriation  
18 to provide information technology services for the department of health  
19 care policy and financing.

20           (4) The appropriation in subsection (1)(a) of this section is based  
21 on the assumption that the anticipated amount of federal funds received  
22 for the 2019-20 state fiscal year by the department of health care policy  
23 and financing for personal services will decrease by \$70,000.

24           **SECTION 7. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2020 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.