

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

REVISED

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

LLS NO. 19-0588.01 Kristen Forrestal x4217

HOUSE BILL 19-1131

HOUSE SPONSORSHIP

Jaquez Lewis, Bird, Buentello, Caraveo, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Herod, Kennedy, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Valdez A., Weissman

SENATE SPONSORSHIP

Winter,

House Committees
Health & Insurance

Senate Committees
Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT TO SHARE THE WHOLESALE**
102 **ACQUISITION COST OF A DRUG WHEN SHARING INFORMATION**
103 **CONCERNING THE DRUG WITH ANOTHER PARTY.**

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 requires a drug manufacturer or wholesaler, or an agent or an employee of the manufacturer or wholesaler, to provide, in writing, the wholesale acquisition cost of a prescription drug to an entity or individual with whom the manufacturer, wholesaler, agent, or employee is sharing information concerning the drug.

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
Amended 2nd Reading
March 28, 2019

HOUSE
3rd Reading Unamended
March 4, 2019

HOUSE
Amended 2nd Reading
March 1, 2019

The bill also requires the drug manufacturer or wholesaler, or an agent or employee of the manufacturer or wholesaler, to provide educational materials about the acquisition costs of other prescription drugs in the same therapeutic class.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 12-42.5-308** as
3 follows:

4 **12-42.5-308. Manufacturer, agent, representative, employee**
5 **- drug cost information - required - definitions.** (1) A MANUFACTURER,
6 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, WHO
7 WHILE EMPLOYED BY OR UNDER CONTRACT TO REPRESENT A
8 MANUFACTURER ENGAGES IN PRESCRIPTION DRUG MARKETING, SHALL
9 PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE ACQUISITION
10 COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF CONDUCTING
11 BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT, OR EMPLOYEE
12 PROVIDES INFORMATION CONCERNING THE DRUG TO THE PRESCRIBER.

13 ==

14 (2) FOR THE PURPOSES OF THIS SECTION:

15 (a) "PRESCRIBER" MEANS A HEALTH CARE PROVIDER LICENSED
16 PURSUANT TO THIS TITLE 12 WHO IS AUTHORIZED TO PRESCRIBE
17 CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS.

18 (b) "PRESCRIPTION DRUG MARKETING" MEANS ANY ACTIVITY
19 UNDERTAKEN WITH THE INTENT TO SELL A PRESCRIPTION DRUG THAT MAY
20 INCLUDE IN-PERSON MEETINGS, PHYSICAL MAILINGS, TELEPHONIC
21 CONVERSATIONS, VIDEO CONFERENCING, ELECTRONIC MAILING OR
22 TEXTING, OR FACSIMILE TRANSMISSIONS THAT PROVIDES EDUCATIONAL OR
23 MARKETING INFORMATION OR MATERIALS REGARDING A PRESCRIPTION

1 DRUG.

2 ==

3 **SECTION 2.** In Colorado Revised Statutes, **add to article 280**
4 **as relocated by House Bill 19-1172 12-280-308** as follows:

5 **12-280-308. Manufacturer, agent, representative, employee -**
6 **drug cost information - required - definitions.** (1) A MANUFACTURER,
7 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, WHO
8 WHILE EMPLOYED BY OR UNDER CONTRACT TO REPRESENT A
9 MANUFACTURER ENGAGES IN PRESCRIPTION DRUG MARKETING, SHALL
10 PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE ACQUISITION
11 COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF CONDUCTING
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23 TEXTING, OR FACSIMILE TRANSMISSIONS THAT PROVIDES EDUCATIONAL OR
24 MARKETING INFORMATION OR MATERIALS REGARDING A PRESCRIPTION
25 DRUG.

26 ==

27 **SECTION 3. Act subject to petition - effective date.** (1) Except

1 as otherwise provided in subsection (2) of this section, this act takes
2 effect at 12:01 a.m. on the day following the expiration of the ninety-day
3 period after final adjournment of the general assembly (August 2, 2019,
4 if adjournment sine die is on May 3, 2019); except that, if a referendum
5 petition is filed pursuant to section 1 (3) of article V of the state
6 constitution against this act or an item, section, or part of this act within
7 such period, then the act, item, section, or part will not take effect unless
8 approved by the people at the general election to be held in November
9 2020 and, in such case, will take effect on the date of the official
10 declaration of the vote thereon by the governor.

11 (2) Section 2 of this act takes effect only if House Bill 19-1172
12 becomes law, in which case section 2 takes effect October 1, 2019.