

**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. 19-0082.02 Yelana Love x2295

HOUSE BILL 19-1216

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE A PATIENT'S COSTS OF**
102 **PRESCRIPTION INSULIN DRUGS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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 carrier to reduce the cost sharing a covered person is required to pay for prescription insulin drugs by an amount equal to the greater of 51% of the total rebates received by the carrier per prescription insulin drug including price protection rebates or an amount that ensures cost sharing will not exceed 125% of the carrier's cost for 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
Amended 2nd Reading
April 26, 2019

HOUSE
3rd Reading Unamended
April 16, 2019

HOUSE
Amended 2nd Reading
April 12, 2019

prescription insulin drug, subject to a maximum out-of-pocket cost of \$100 per one-month supply of insulin.

The bill requires the department of law to investigate the pricing of prescription insulin drugs and submit a report of its findings to the governor, the commissioner of insurance, and the judiciary committees of the senate and house of representatives.

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) Almost twenty thousand Coloradans are diagnosed with
5 diabetes each year. As of January 1, 2018, nearly three hundred thousand
6 Colorado adults have been diagnosed with diabetes and another one
7 hundred ten thousand are undiagnosed but living with the disease.

8 (b) Every Coloradan with type 1 diabetes and many with type 2
9 diabetes rely on daily doses of insulin to survive;

10 (c) The annual medical cost related to diabetes in Colorado is
11 almost four billion dollars. Approximately eighteen percent of that
12 amount, or seven hundred million dollars, is for prescription drugs to treat
13 diabetes.

14 (d) Insulin prices rose by forty-five percent between 2014 and
15 2017, and over the last fourteen years, the price of insulin has risen by
16 five hundred fifty-five percent, adjusted for inflation;



17 (e) One in four type 1 diabetics have reported insulin underuse
18 due to the high cost of insulin; and

19 (f) Therefore, it is important to enact policies to reduce the costs
20 for Coloradans with diabetes to obtain life-saving and life-sustaining
21 insulin.


22 **SECTION 2.** In Colorado Revised Statutes, **add** 10-16-148 as

1 follows:

2 **10-16-148. Cost sharing in prescription insulin drugs - limits**
3 **- confidentiality of rebate information - definition - rules.** (1) AS USED
4 IN THIS SECTION, UNLESS THE CONTEXT OTHER REQUIRES, "PRESCRIPTION
5 INSULIN DRUG" MEANS A PRESCRIPTION DRUG, AS DEFINED IN SECTION
6 12-42.5-102 (34), THAT CONTAINS INSULIN AND IS USED TO TREAT
7 DIABETES.

8 
9 
10 (2) A CARRIER THAT PROVIDES COVERAGE FOR PRESCRIPTION
11 INSULIN DRUGS PURSUANT TO THE TERMS OF A HEALTH COVERAGE PLAN
12 THE CARRIER OFFERS SHALL CAP THE TOTAL AMOUNT THAT A COVERED
13 PERSON IS REQUIRED TO PAY FOR A COVERED PRESCRIPTION INSULIN DRUG
14 AT AN AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS PER THIRTY-DAY
15 SUPPLY OF INSULIN, REGARDLESS OF THE AMOUNT OR TYPE OF INSULIN
16 NEEDED TO FILL THE COVERED PERSON'S PRESCRIPTION.

17 (3) NOTHING IN THIS SECTION PREVENTS A CARRIER FROM
18 REDUCING A COVERED PERSON'S COST SHARING BY AN AMOUNT GREATER
19 THAN THE AMOUNT SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

20 
21 (4) THE COMMISSIONER MAY USE ANY OF THE COMMISSIONER'S
22 ENFORCEMENT POWERS TO OBTAIN A CARRIER'S COMPLIANCE WITH THIS
23 SECTION.

24 (5) THE COMMISSIONER MAY PROMULGATE RULES AS NECESSARY
25 TO IMPLEMENT AND ADMINISTER THIS SECTION AND TO ALIGN WITH
26 FEDERAL REQUIREMENTS.

27 **SECTION 3.** In Colorado Revised Statutes, **add** 24-31-110 as

1 follows:

2 **24-31-110. Department of law - investigate prescription insulin**

3 **drug pricing - report - repeal.** (1) THE DEPARTMENT OF LAW SHALL
4 INVESTIGATE PRICING OF PRESCRIPTION INSULIN DRUGS, AS DEFINED IN
5 SECTION 10-16-148 (1)(b), MADE AVAILABLE TO COLORADO CONSUMERS
6 TO ENSURE ADEQUATE CONSUMER PROTECTIONS IN PRICING OF
7 PRESCRIPTION INSULIN DRUGS AND WHETHER ADDITIONAL CONSUMER
8 PROTECTIONS ARE NEEDED.

9 (2) (a) AS PART OF THE INVESTIGATION BY THE DEPARTMENT OF
10 LAW, THE DEPARTMENT OF LAW SHALL GATHER, COMPILE, AND ANALYZE
11 INFORMATION CONCERNING THE ORGANIZATION, BUSINESS PRACTICES,
12 PRICING INFORMATION, DATA, REPORTS, OR OTHER INFORMATION THAT
13 THE DEPARTMENT OF LAW FINDS NECESSARY TO FULFILL THE
14 REQUIREMENTS OF THIS SECTION FROM COMPANIES ENGAGED IN THE
15 MANUFACTURE OR SALE OF PRESCRIPTION INSULIN DRUGS. THE
16 DEPARTMENT OF LAW SHALL ALSO CONSIDER ANY PUBLICLY AVAILABLE
17 INFORMATION RELATED TO DRUG PRICING.

18 (b) IF NECESSARY TO FULFILL THE REPORTING REQUIREMENTS OF
19 THIS SECTION, THE ATTORNEY GENERAL MAY ISSUE A CIVIL INVESTIGATIVE
20 DEMAND REQUIRING A STATE DEPARTMENT; CARRIER, AS DEFINED IN
21 SECTION 10-16-102 (8); PHARMACY BENEFIT MANAGEMENT FIRM, AS
22 DEFINED IN SECTION 10-16-102 (49); OR MANUFACTURER OF PRESCRIPTION
23 INSULIN DRUGS THAT ARE MADE AVAILABLE IN COLORADO, TO FURNISH
24 MATERIAL, ANSWERS, DATA, OR OTHER RELEVANT INFORMATION.

25 (3) A PERSON OR BUSINESS SHALL NOT BE COMPELLED TO PROVIDE
26 TRADE SECRETS, AS DEFINED IN SECTION 7-74-102 (4).

27 (4) BY NOVEMBER 1, 2020, THE DEPARTMENT OF LAW SHALL ISSUE

1 AND MAKE AVAILABLE TO THE PUBLIC A REPORT DETAILING ITS FINDINGS
2 FROM THE INVESTIGATION CONDUCTED PURSUANT TO THIS SECTION. THE
3 DEPARTMENT OF LAW SHALL PRESENT THE REPORT TO THE GOVERNOR, THE
4 COMMISSIONER OF INSURANCE, AND THE JUDICIARY COMMITTEES OF THE
5 SENATE AND HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR
6 COMMITTEES. THE REPORT MUST INCLUDE:

7 (a) A SUMMARY OF INSULIN PRICING PRACTICES AND VARIABLES
8 THAT CONTRIBUTE TO PRICING OF HEALTH COVERAGE PLANS, AS DEFINED
9 IN SECTION 10-16-102 (34);

10 (b) PUBLIC POLICY RECOMMENDATIONS TO CONTROL AND PREVENT
11 OVERPRICING OF PRESCRIPTION INSULIN DRUGS MADE AVAILABLE TO
12 COLORADO CONSUMERS;

13 (c) ANY RECOMMENDATIONS FOR IMPROVEMENTS TO THE
14 "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, TO
15 PREVENT DECEPTIVE SALES PRACTICES RELATED TO THE SALE OF
16 PRESCRIPTION INSULIN DRUGS, INCLUDING THE PRICING OF THOSE DRUGS;
17 AND

18 (d) ANY OTHER INFORMATION THE DEPARTMENT OF LAW FINDS
19 NECESSARY.

20 (5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 1, 2020.

21 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,
22 \$26,054 is appropriated to the department of regulatory agencies for use
23 by the division of insurance. This appropriation is from the division of
24 insurance cash fund created in section 10-1-103 (3), C.R.S., and is based
25 on an assumption that the division will require an additional 0.4 FTE. To
26 implement this act, the division may use this appropriation for personal
27 services.

1 **SECTION 5. Act subject to petition - effective date -**
2 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
3 the expiration of the ninety-day period after final adjournment of the
4 general assembly (August 2, 2019, if adjournment sine die is on May 3,
5 2019); except that, if a referendum petition is filed pursuant to section 1
6 (3) of article V of the state constitution against this act or an item, section,
7 or part of this act within such period, then the act, item, section, or part
8 will not take effect unless approved by the people at the general election
9 to be held in November 2020 and, in such case, will take effect on the
10 date of the official declaration of the vote thereon by the governor.
11 (2) This act applies to health coverage plans issued or renewed on
12 or after January 1, 2020, or the date of the official declaration of the vote
13 by the governor, whichever is later.