A BILL FOR AN ACT

Concerning the Creation of a Cash Fund into Which Money Received from Pharmaceutical Rebates for the State Drug Assistance Program Administered by the Department of Public Health and Environment Will Be Credited.

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.)

Under current law, the department of public health and environment (department) receives pharmaceutical rebates for money
received based on charges in excess of a federal price agreement related to the state's operation of a drug assistance program to assist individuals with lower incomes who have medical or preventive needs regarding AIDS or HIV (state program). The rebates are designated in statute as donations. The bill removes the statutory designation of the rebates as a donation and creates a cash fund into which the rebates are credited for continuous appropriation to the department for the state program. The cash fund is exempted from the statutory limit on uncommitted reserves in a cash fund.

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

SECTION 1. In Colorado Revised Statutes, 25-4-1401, amend (2)(d) as follows:

25-4-1401. Drug assistance program - program fund - HIV medications rebate fund - created - legislative declaration - no entitlement created. (2) (d) (I) The HIV medications rebate fund, referred to in this subsection (2)(d) as the "fund", is created in the state treasury. The fund consists of any money received based on charges in excess of a federal price agreement and any additional money the general assembly appropriates to the fund. The general assembly shall continuously appropriate money in the fund to the department of public health and environment for use for the state program. Any money remaining in the fund at the end of a state fiscal year remains in the fund and shall not be credited or transferred to the general fund or any other fund.

(II) The fund is not subject to the limit on uncommitted reserves in a cash fund established in Section 24-75-402 (3).

SECTION 2. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.