

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0292.03 Yelana Love x2295

HOUSE BILL 21-1307

HOUSE SPONSORSHIP

Roberts, McCluskie

SENATE SPONSORSHIP

Donovan and Liston,

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCREASE ACCESS TO PRESCRIPTION
102 INSULIN FOR PERSONS WITH DIABETES.

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:

- Provides that the current law establishing a \$100 cap on a person's 30-day supply of prescription insulin is for the person's entire insulin supply, regardless of the number of prescriptions a person may have;
- Provides eligible individuals access to one emergency

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 insulin supply within a 12-month period at a cost not to exceed \$35 for a 30-day supply; and
● Creates the insulin affordability program in the division of insurance through which eligible individuals may obtain prescription insulin for 12 months at a cost of not more than \$50 for a 30-day supply.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-151, **amend**
3 (2) as follows:

4 **10-16-151. Cost sharing in prescription insulin drugs - limits**
5 **- definition - rules.** (2) A carrier that provides coverage for prescription
6 insulin drugs pursuant to the terms of a health coverage plan the carrier
7 offers shall cap the total amount that a covered person is required to pay
8 for a ALL covered prescription insulin ~~drug~~ DRUGS at an amount not to
9 exceed one hundred dollars ~~per~~ FOR THE COVERED PERSON'S ENTIRE
10 thirty-day supply of insulin, regardless of the amount or type of insulin
11 needed to fill the covered person's prescription OR THE NUMBER OF
12 PRESCRIPTIONS.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 10-16-151.3 and
14 10-16-151.5 as follows:

15 **10-16-151.3. Insulin affordability program - record keeping -**
16 **reimbursement - definitions.** (1) AS USED IN THIS SECTION AND SECTION
17 10-16-151.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

18 (a) "CONSUMER PRICE INDEX" MEANS THE UNITED STATES
19 DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE
20 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL
21 URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR
22 INDEX.

1 (b) "MANUFACTURER" MEANS A PERSON:

2 (I) ENGAGED IN THE MANUFACTURING OF INSULIN THAT IS
3 SELF-ADMINISTERED ON AN OUTPATIENT BASIS AND IS AVAILABLE FOR
4 PURCHASE BY RESIDENTS OF THIS STATE; AND

5 (II) THAT HAS ANNUAL GROSS REVENUE OF MORE THAN TWO
6 MILLION DOLLARS FROM THE SALE OF INSULIN IN THIS STATE.

7 (c) "PHARMACY" MEANS A PHARMACY OUTLET REGISTERED
8 PURSUANT TO ARTICLE 280 OF TITLE 12 WHERE PRESCRIPTIONS ARE
9 COMPOUNDED AND DISPENSED.

10 (d) "PROGRAM" MEANS THE INSULIN AFFORDABILITY PROGRAM
11 CREATED IN SUBSECTION (2) OF THIS SECTION.

12 (e) (I) "WHOLESALE ACQUISITION COST" MEANS A
13 MANUFACTURER'S LIST PRICE FOR INSULIN TO WHOLESALERS OR DIRECT
14 PURCHASERS IN THE UNITED STATES FOR THE MOST RECENT MONTH FOR
15 WHICH THE INFORMATION IS REPORTED IN WHOLESALE PRICE GUIDES OR
16 OTHER PUBLICATIONS OF DRUG OR BIOLOGICAL PRICING DATA.

17 (II) "WHOLESALE ACQUISITION COST" DOES NOT INCLUDE PROMPT
18 PAY OR OTHER DISCOUNTS, REBATES, OR REDUCTIONS IN PRICE.

19 (2) THE INSULIN AFFORDABILITY PROGRAM IS HEREBY CREATED IN
20 THE DIVISION TO PROVIDE LOW-COST INSULIN TO ELIGIBLE INDIVIDUALS.

21 (3) TO BE ELIGIBLE TO RECEIVE INSULIN UNDER THE PROGRAM, AN
22 INDIVIDUAL MUST:

23 (a) BE A RESIDENT OF COLORADO;

24 (b) NOT BE ELIGIBLE FOR OR ENROLLED IN ASSISTANCE PROVIDED
25 THROUGH THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO
26 6 OF TITLE 25.5, OR THE FEDERAL "HEALTH INSURANCE FOR THE AGED
27 ACT", TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C.

1 SEC. 1395 ET SEQ., AS AMENDED;

2 (c) HAVE A VALID INSULIN PRESCRIPTION OR BE ELIGIBLE FOR AN
3 EMERGENCY SUPPLY AS PROVIDED IN SECTION 12-280-125.5; AND

4 (d) NOT BE ENROLLED IN PRESCRIPTION DRUG COVERAGE THAT
5 LIMITS THE TOTAL AMOUNT OF COST SHARING THAT THE ENROLLEE IS
6 REQUIRED TO PAY FOR A THIRTY-DAY SUPPLY OF INSULIN TO ONE HUNDRED
7 DOLLARS AS DESCRIBED IN SECTION 10-16-151.

8 (4) (a) THE DIVISION SHALL DEVELOP AN APPLICATION FORM TO BE
9 USED BY AN INDIVIDUAL WHO IS SEEKING INSULIN UNDER THE PROGRAM.
10 THE APPLICATION FORM MUST REQUIRE THE INDIVIDUAL TO SHOW PROOF
11 THAT THE INDIVIDUAL MEETS THE REQUIREMENTS OF SUBSECTION (3) OF
12 THIS SECTION.

13 (b) THE DIVISION AND THE DEPARTMENT OF HEALTH CARE POLICY
14 AND FINANCING SHALL MAKE THE APPLICATION FORM AVAILABLE ON EACH
15 AGENCY'S WEBSITE. THE DIVISION SHALL ALSO MAKE THE APPLICATION
16 FORM AVAILABLE TO PHARMACIES, HEALTH-CARE PROVIDERS, AND
17 HEALTH FACILITIES THAT PRESCRIBE OR DISPENSE INSULIN.

18 (5) TO ACCESS INSULIN THROUGH THE PROGRAM, AN INDIVIDUAL
19 MUST PRESENT, AT A PHARMACY, A COMPLETED, SIGNED, AND DATED
20 APPLICATION FORM WITH PROOF OF THE INDIVIDUAL'S COLORADO
21 RESIDENCY. IF THE INDIVIDUAL IS UNDER EIGHTEEN YEARS OF AGE, THE
22 INDIVIDUAL'S PARENT OR LEGAL GUARDIAN MAY PROVIDE THE
23 PHARMACIST WITH PROOF OF RESIDENCY.

24 (6) (a) UPON RECEIPT OF AN INDIVIDUAL'S COMPLETED, SIGNED,
25 AND DATED APPLICATION FORM DEMONSTRATING THAT THE INDIVIDUAL
26 IS ELIGIBLE PURSUANT TO SUBSECTION (3) OF THIS SECTION AND THE
27 INDIVIDUAL'S PROOF OF RESIDENCY, A PHARMACIST SHALL DISPENSE THE

1 PRESCRIBED INSULIN IN AN AMOUNT THAT WILL PROVIDE THE INDIVIDUAL
2 WITH A THIRTY-DAY SUPPLY. AN INDIVIDUAL WHO IS ELIGIBLE TO RECEIVE
3 INSULIN PURSUANT TO THIS SECTION MAY RECEIVE THE INSULIN FOR
4 TWELVE MONTHS.

5 (b) THE PHARMACIST SHALL RETAIN A COPY OF THE APPLICATION
6 FORM SUBMITTED BY THE INDIVIDUAL FOR TWO YEARS AFTER THE DATE
7 THE INSULIN WAS INITIALLY DISPENSED.

8 (7) A PHARMACY THAT DISPENSES INSULIN PURSUANT TO
9 SUBSECTION (6)(a) OF THIS SECTION MAY COLLECT A COPAYMENT FROM
10 THE INDIVIDUAL TO COVER THE PHARMACY'S COSTS OF PROCESSING AND
11 DISPENSING THE INSULIN IN AN AMOUNT NOT TO EXCEED FIFTY DOLLARS
12 FOR EACH THIRTY-DAY SUPPLY OF INSULIN DISPENSED.

13 (8) (a) EXCEPT AS PROVIDED IN SUBSECTION (8)(c) OF THIS
14 SECTION, UNLESS THE MANUFACTURER AGREES TO SEND TO THE
15 PHARMACY A REPLACEMENT SUPPLY OF THE SAME INSULIN DISPENSED IN
16 THE AMOUNT DISPENSED THROUGH THE PROGRAM, THE PHARMACY MAY
17 SUBMIT TO THE MANUFACTURER OF THE DISPENSED INSULIN, DIRECTLY OR
18 THROUGH THE MANUFACTURER'S DELEGATED REPRESENTATIVE,
19 SUBCONTRACTOR, OR OTHER VENDOR, AN ELECTRONIC CLAIM FOR
20 PAYMENT THAT IS MADE IN ACCORDANCE WITH THE NATIONAL COUNCIL
21 FOR PRESCRIPTION DRUG PROGRAMS' STANDARDS FOR ELECTRONIC
22 CLAIMS PROCESSING.

23 (b) IF THE PHARMACY SUBMITS AN ELECTRONIC CLAIM TO THE
24 MANUFACTURER PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION, THE
25 MANUFACTURER OR THE MANUFACTURER'S DELEGATED REPRESENTATIVE,
26 SUBCONTRACTOR, OR OTHER VENDOR SHALL EITHER:

27 (I) REIMBURSE THE PHARMACY IN AN AMOUNT THAT COVERS THE

1 DIFFERENCE BETWEEN THE PHARMACY'S WHOLESALE ACQUISITION COST
2 FOR THE INSULIN DISPENSED THROUGH THE PROGRAM AND THE AMOUNT
3 THE INDIVIDUAL PAID FOR THE INSULIN PURSUANT TO SUBSECTION (7) OF
4 THIS SECTION; OR

5 (II) SEND THE PHARMACY A REPLACEMENT SUPPLY OF THE SAME
6 INSULIN IN AN AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT THAT
7 COVERS THE DIFFERENCE BETWEEN THE PHARMACY'S WHOLESALE
8 ACQUISITION COST FOR THE INSULIN DISPENSED THROUGH THE PROGRAM
9 AND THE AMOUNT THE INDIVIDUAL PAID FOR THE INSULIN PURSUANT TO
10 SUBSECTION (7) OF THIS SECTION.

11 (c) A PHARMACY SHALL NOT SUBMIT A CLAIM FOR PAYMENT FOR
12 INSULIN WITH A WHOLESALE ACQUISITION COST OF EIGHT DOLLARS OR
13 LESS PER MILLILITER, ADJUSTED ANNUALLY BASED ON THE ANNUAL
14 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX.

15 (9) THE DIVISION AND THE DEPARTMENT OF HEALTH CARE POLICY
16 AND FINANCING SHALL PROMOTE THE AVAILABILITY OF THE PROGRAM TO
17 COLORADANS. EACH AGENCY MAY SEEK AND ACCEPT GIFTS, GRANTS, AND
18 DONATIONS TO FULFILL THE REQUIREMENTS OF THIS SUBSECTION (9).

19 **10-16-151.5. Emergency prescription insulin supply -**
20 **eligibility - record keeping - definition.** (1) AN INDIVIDUAL WHO MEETS
21 THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION MAY RECEIVE
22 ONE EMERGENCY THIRTY-DAY SUPPLY OF PRESCRIPTION INSULIN WITHIN
23 A TWELVE-MONTH PERIOD. THE PHARMACY MAY CHARGE THE INDIVIDUAL
24 AN AMOUNT NOT TO EXCEED THIRTY-FIVE DOLLARS FOR THE THIRTY-DAY
25 SUPPLY.

26 (2) TO BE ELIGIBLE FOR AN EMERGENCY PRESCRIPTION INSULIN
27 SUPPLY, AN INDIVIDUAL MUST:

1 (a) HAVE A VALID PRESCRIPTION FOR INSULIN OR BE ELIGIBLE FOR
2 AN EMERGENCY SUPPLY AS PROVIDED IN SECTION 12-280-125.5;

3 (b) HAVE LESS THAN A SEVEN-DAY SUPPLY OF INSULIN AVAILABLE;

4 (c) BE REQUIRED TO PAY MORE THAN ONE HUNDRED DOLLARS OUT
5 OF POCKET EACH MONTH FOR THE INDIVIDUAL'S INSULIN; AND

6 (d) BE A RESIDENT OF COLORADO.

7 (3) (a) THE DIVISION SHALL CREATE AND MAKE AVAILABLE TO THE
8 PUBLIC AN APPLICATION FORM FOR INDIVIDUALS SEEKING AN EMERGENCY
9 PRESCRIPTION INSULIN SUPPLY PURSUANT TO THIS SECTION.

10 (b) AT A MINIMUM, THE APPLICATION FORM MUST REQUIRE THE
11 INDIVIDUAL TO SHOW PROOF THAT THE INDIVIDUAL MEETS THE
12 REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION.

13 (c) EACH PHARMACY IN THE STATE SHALL MAKE THE APPLICATION
14 FORM AVAILABLE AT THE PHARMACY.

15 (4) (a) UPON RECEIPT OF AN INDIVIDUAL'S COMPLETED
16 APPLICATION FORM DEMONSTRATING THAT THE INDIVIDUAL IS ELIGIBLE
17 PURSUANT TO SUBSECTION (2) OF THIS SECTION AND THE INDIVIDUAL'S
18 PROOF OF RESIDENCY, A PHARMACIST SHALL DISPENSE THE PRESCRIBED
19 INSULIN IN AN AMOUNT THAT WILL PROVIDE THE INDIVIDUAL WITH A
20 THIRTY-DAY SUPPLY.

21 (b) IF THE INDIVIDUAL IS UNDER EIGHTEEN YEARS OF AGE, THE
22 INDIVIDUAL'S PARENT OR LEGAL GUARDIAN MAY PROVIDE THE
23 PHARMACIST WITH PROOF OF RESIDENCY.

24 (5) EACH PHARMACY SHALL KEEP THE APPLICATION FORM FOR
25 EACH INDIVIDUAL WHO RECEIVES AN EMERGENCY PRESCRIPTION INSULIN
26 SUPPLY PURSUANT TO THIS SECTION FOR TWO YEARS FOLLOWING THE DATE
27 ON WHICH THE INSULIN WAS DISPENSED.

1 (6) (a) EXCEPT AS PROVIDED IN SUBSECTION (6)(c) OF THIS
2 SECTION, UNLESS THE MANUFACTURER AGREES TO SEND TO THE
3 PHARMACY A REPLACEMENT SUPPLY OF THE SAME INSULIN DISPENSED IN
4 THE AMOUNT DISPENSED THROUGH THE PROGRAM, THE PHARMACY MAY
5 SUBMIT TO THE MANUFACTURER OF THE DISPENSED INSULIN, DIRECTLY OR
6 THROUGH THE MANUFACTURER'S DELEGATED REPRESENTATIVE,
7 SUBCONTRACTOR, OR OTHER VENDOR, AN ELECTRONIC CLAIM FOR
8 PAYMENT THAT IS MADE IN ACCORDANCE WITH THE NATIONAL COUNCIL
9 FOR PRESCRIPTION DRUG PROGRAMS' STANDARDS FOR ELECTRONIC
10 CLAIMS PROCESSING.

11 (b) IF THE PHARMACY SUBMITS AN ELECTRONIC CLAIM TO THE
12 MANUFACTURER PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, THE
13 MANUFACTURER OR THE MANUFACTURER'S DELEGATED REPRESENTATIVE,
14 SUBCONTRACTOR, OR OTHER VENDOR SHALL EITHER:

15 (I) REIMBURSE THE PHARMACY IN AN AMOUNT THAT COVERS THE
16 PHARMACY'S WHOLESALE ACQUISITION COST FOR THE INSULIN DISPENSED
17 PURSUANT TO THIS SECTION; OR

18 (II) SEND THE PHARMACY A REPLACEMENT SUPPLY OF THE SAME
19 INSULIN IN AN AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT THAT
20 COVERS THE PHARMACY'S WHOLESALE ACQUISITION COST FOR THE INSULIN
21 DISPENSED PURSUANT TO THIS SECTION.

22 (c) A PHARMACY SHALL NOT SUBMIT A CLAIM FOR PAYMENT FOR
23 INSULIN WITH A WHOLESALE ACQUISITION COST OF EIGHT DOLLARS OR
24 LESS PER MILLILITER, ADJUSTED ANNUALLY BASED ON THE ANNUAL
25 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX.

26 (7) THE DIVISION AND THE DEPARTMENT OF HEALTH CARE POLICY
27 AND FINANCING SHALL PROMOTE THE AVAILABILITY OF THE EMERGENCY

1 PRESCRIPTION INSULIN SUPPLY TO COLORADANS. EACH AGENCY MAY SEEK
2 AND ACCEPT GIFTS, GRANTS, AND DONATIONS TO FULFILL THE
3 REQUIREMENTS OF THIS SUBSECTION (7).

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2022 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.