

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

**PREAMENDED**

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

LLS NO. 21-0292.03 Yelana Love x2295

**HOUSE BILL 21-1307**

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**HOUSE SPONSORSHIP**

**Roberts, McCluskie**

**SENATE SPONSORSHIP**

**Donovan and Liston,**

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**House Committees**

Health & Insurance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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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:

- 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.

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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** 12-280-137 and  
14 12-280-138 as follows:

15           **12-280-137. Insulin affordability program - record keeping -**  
16 **reimbursement - definitions.** (1) AS USED IN THIS SECTION AND SECTION  
17 12-280-138, 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) "DIVISION OF INSURANCE" MEANS THE DIVISION OF INSURANCE  
2 IN THE DEPARTMENT OF REGULATORY AGENCIES, CREATED IN SECTION  
3 10-1-103.

4 (c) "MANUFACTURER" MEANS A PERSON:

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

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

10 (d) "PHARMACY" MEANS A PHARMACY OUTLET REGISTERED  
11 PURSUANT TO THIS ARTICLE 280 WHERE PRESCRIPTIONS ARE COMPOUNDED  
12 AND DISPENSED.

13 (e) "PROGRAM" MEANS THE INSULIN AFFORDABILITY PROGRAM  
14 CREATED IN SUBSECTION (2) OF THIS SECTION.

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

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

22 (2) EFFECTIVE JANUARY 1, 2022, THE INSULIN AFFORDABILITY  
23 PROGRAM IS HEREBY CREATED TO PROVIDE LOW-COST INSULIN TO  
24 ELIGIBLE INDIVIDUALS. BY JANUARY 1, 2022, EACH MANUFACTURER  
25 SHALL ESTABLISH PROCEDURES TO MAKE INSULIN AVAILABLE IN  
26 ACCORDANCE WITH THIS SECTION TO ELIGIBLE INDIVIDUALS WHO NEED  
27 ACCESS TO AN AFFORDABLE INSULIN SUPPLY.

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

3 (a) BE A RESIDENT OF COLORADO;

4 (b) NOT BE ELIGIBLE FOR OR ENROLLED IN ASSISTANCE PROVIDED  
5 THROUGH THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO  
6 6 OF TITLE 25.5, OR THE FEDERAL "HEALTH INSURANCE FOR THE AGED  
7 ACT", TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C.  
8 SEC. 1395 ET SEQ., AS AMENDED;

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

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

15 (4) (a) THE DIVISION OF INSURANCE SHALL DEVELOP AN  
16 APPLICATION FORM TO BE USED BY AN INDIVIDUAL WHO IS SEEKING  
17 INSULIN UNDER THE PROGRAM. THE APPLICATION FORM MUST REQUIRE  
18 THE INDIVIDUAL TO SHOW PROOF THAT THE INDIVIDUAL MEETS THE  
19 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

20 (b) THE DIVISION OF INSURANCE AND THE DEPARTMENT OF HEALTH  
21 CARE POLICY AND FINANCING SHALL MAKE THE APPLICATION FORM  
22 AVAILABLE ON EACH AGENCY'S WEBSITE. THE DIVISION OF INSURANCE  
23 SHALL ALSO MAKE THE APPLICATION FORM AVAILABLE TO PHARMACIES,  
24 HEALTH-CARE PROVIDERS, AND HEALTH FACILITIES THAT PRESCRIBE OR  
25 DISPENSE INSULIN.

26 (5) TO ACCESS INSULIN THROUGH THE PROGRAM, AN INDIVIDUAL  
27 MUST PRESENT, AT A PHARMACY, A COMPLETED, SIGNED, AND DATED

1 APPLICATION FORM WITH PROOF OF THE INDIVIDUAL'S COLORADO  
2 RESIDENCY. IF THE INDIVIDUAL IS UNDER EIGHTEEN YEARS OF AGE, THE  
3 INDIVIDUAL'S PARENT OR LEGAL GUARDIAN MAY PROVIDE THE  
4 PHARMACIST WITH PROOF OF RESIDENCY.

5 (6) (a) UPON RECEIPT OF AN INDIVIDUAL'S COMPLETED, SIGNED,  
6 AND DATED APPLICATION FORM DEMONSTRATING THAT THE INDIVIDUAL  
7 IS ELIGIBLE PURSUANT TO SUBSECTION (3) OF THIS SECTION AND THE  
8 INDIVIDUAL'S PROOF OF RESIDENCY, A PHARMACIST SHALL DISPENSE THE  
9 PRESCRIBED INSULIN IN AN AMOUNT THAT WILL PROVIDE THE INDIVIDUAL  
10 WITH A THIRTY-DAY SUPPLY. AN INDIVIDUAL WHO IS ELIGIBLE TO RECEIVE  
11 INSULIN PURSUANT TO THIS SECTION MAY RECEIVE THE INSULIN FOR  
12 TWELVE MONTHS.

13 (b) THE PHARMACIST IS ENCOURAGED TO INFORM THE INDIVIDUAL  
14 THAT THEY MAY BE ELIGIBLE FOR THE "COLORADO MEDICAL ASSISTANCE  
15 ACT", ARTICLES 4 TO 6 OF TITLE 25.5, OR AN AFFORDABLE INSURANCE  
16 PRODUCT ON THE STATE-BASED MARKETPLACE.

17 (c) THE PHARMACIST SHALL RETAIN A COPY OF THE APPLICATION  
18 FORM SUBMITTED BY THE INDIVIDUAL FOR TWO YEARS AFTER THE DATE  
19 THE INSULIN WAS INITIALLY DISPENSED.

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

25 (8) (a) EXCEPT AS PROVIDED IN SUBSECTION (8)(d) OF THIS  
26 SECTION, UNLESS THE MANUFACTURER AGREES TO SEND TO THE  
27 PHARMACY A REPLACEMENT SUPPLY OF THE SAME INSULIN DISPENSED IN

1 THE AMOUNT DISPENSED THROUGH THE PROGRAM, THE PHARMACY MAY  
2 SUBMIT TO THE MANUFACTURER OF THE DISPENSED INSULIN, DIRECTLY OR  
3 THROUGH THE MANUFACTURER'S DELEGATED REPRESENTATIVE,  
4 SUBCONTRACTOR, OR OTHER VENDOR, AN ELECTRONIC CLAIM FOR  
5 PAYMENT THAT IS MADE IN ACCORDANCE WITH THE NATIONAL COUNCIL  
6 FOR PRESCRIPTION DRUG PROGRAMS' STANDARDS FOR ELECTRONIC  
7 CLAIMS PROCESSING.

8 (b) BY JANUARY 1, 2022, EACH MANUFACTURER SHALL DEVELOP  
9 A PROCESS FOR A PHARMACY TO SUBMIT AN ELECTRONIC CLAIM FOR  
10 REIMBURSEMENT AS PROVIDED IN SUBSECTION (8)(a) OF THIS SECTION.

11 (c) IF THE PHARMACY SUBMITS AN ELECTRONIC CLAIM TO THE  
12 MANUFACTURER PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION, THE  
13 MANUFACTURER OR THE MANUFACTURER'S DELEGATED REPRESENTATIVE,  
14 SUBCONTRACTOR, OR OTHER VENDOR SHALL, WITHIN THIRTY DAYS AFTER  
15 RECEIPT OF THE CLAIM, EITHER:

16 (I) REIMBURSE THE PHARMACY IN AN AMOUNT THAT COVERS THE  
17 DIFFERENCE BETWEEN THE PHARMACY'S WHOLESALE ACQUISITION COST  
18 FOR THE INSULIN DISPENSED THROUGH THE PROGRAM AND THE AMOUNT  
19 THE INDIVIDUAL PAID FOR THE INSULIN PURSUANT TO SUBSECTION (7) OF  
20 THIS SECTION; OR

21 (II) SEND THE PHARMACY A REPLACEMENT SUPPLY OF THE SAME  
22 INSULIN IN AN AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT THAT  
23 COVERS THE DIFFERENCE BETWEEN THE PHARMACY'S WHOLESALE  
24 ACQUISITION COST FOR THE INSULIN DISPENSED THROUGH THE PROGRAM  
25 AND THE AMOUNT THE INDIVIDUAL PAID FOR THE INSULIN PURSUANT TO  
26 SUBSECTION (7) OF THIS SECTION.

27 (d) A PHARMACY SHALL NOT SUBMIT A CLAIM FOR PAYMENT FOR

1 INSULIN WITH A WHOLESALE ACQUISITION COST OF EIGHT DOLLARS OR  
2 LESS PER MILLILITER, ADJUSTED ANNUALLY BASED ON THE ANNUAL  
3 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX.

4 (9) THE DIVISION OF INSURANCE AND THE DEPARTMENT OF HEALTH  
5 CARE POLICY AND FINANCING SHALL PROMOTE THE AVAILABILITY OF THE  
6 PROGRAM TO COLORADANS. EACH AGENCY MAY SEEK AND ACCEPT GIFTS,  
7 GRANTS, AND DONATIONS TO FULFILL THE REQUIREMENTS OF THIS  
8 SUBSECTION (9).

9 (10) A MANUFACTURER'S REIMBURSEMENT PURSUANT TO  
10 SUBSECTION (8)(b) OF THIS SECTION IS NOT A KICKBACK.

11 (11) A MANUFACTURER THAT FAILS TO COMPLY WITH THE  
12 REQUIREMENTS OF THIS SECTION IS SUBJECT TO A FINE OF TEN THOUSAND  
13 DOLLARS FOR EACH MONTH OF NONCOMPLIANCE.

14 **12-280-138. Emergency prescription insulin supply - eligibility**  
15 **- record keeping - definition.** (1) (a) EFFECTIVE JANUARY 1, 2022, AN  
16 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF SUBSECTION (2) OF THIS  
17 SECTION MAY RECEIVE ONE EMERGENCY THIRTY-DAY SUPPLY OF  
18 PRESCRIPTION INSULIN WITHIN A TWELVE-MONTH PERIOD. THE PHARMACY  
19 MAY CHARGE THE INDIVIDUAL AN AMOUNT NOT TO EXCEED THIRTY-FIVE  
20 DOLLARS FOR THE THIRTY-DAY SUPPLY.

21 (b) BY JANUARY 1, 2022, EACH MANUFACTURER SHALL ESTABLISH  
22 PROCEDURES TO MAKE INSULIN AVAILABLE IN ACCORDANCE WITH THIS  
23 SECTION TO ELIGIBLE INDIVIDUALS WHO NEED ACCESS TO AN EMERGENCY  
24 PRESCRIPTION INSULIN SUPPLY.

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

27 (a) HAVE A VALID PRESCRIPTION FOR INSULIN OR BE ELIGIBLE FOR

1 AN EMERGENCY SUPPLY AS PROVIDED IN SECTION 12-280-125.5;

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

3 (c) BE REQUIRED TO PAY MORE THAN ONE HUNDRED DOLLARS OUT

4 OF POCKET EACH MONTH FOR THE INDIVIDUAL'S INSULIN; AND

5 (d) BE A RESIDENT OF COLORADO.

6 (3) (a) THE DIVISION OF INSURANCE SHALL CREATE AND MAKE

7 AVAILABLE TO THE PUBLIC AN APPLICATION FORM FOR INDIVIDUALS

8 SEEKING AN EMERGENCY PRESCRIPTION INSULIN SUPPLY PURSUANT TO

9 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)(d) 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) BY JANUARY 1, 2022, EACH MANUFACTURER SHALL DEVELOP  
12 A PROCESS FOR A PHARMACY TO SUBMIT AN ELECTRONIC CLAIM FOR  
13 REIMBURSEMENT AS PROVIDED IN SUBSECTION (6)(a) OF THIS SECTION.

14           (c) IF THE PHARMACY SUBMITS AN ELECTRONIC CLAIM TO THE  
15 MANUFACTURER PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, THE  
16 MANUFACTURER OR THE MANUFACTURER'S DELEGATED REPRESENTATIVE,  
17 SUBCONTRACTOR, OR OTHER VENDOR SHALL, WITHIN THIRTY DAYS AFTER  
18 RECEIPT OF THE CLAIM, EITHER:

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

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

26           (d) A PHARMACY SHALL NOT SUBMIT A CLAIM FOR PAYMENT FOR  
27 INSULIN WITH A WHOLESALE ACQUISITION COST OF EIGHT DOLLARS OR

1 LESS PER MILLILITER, ADJUSTED ANNUALLY BASED ON THE ANNUAL  
2 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX.

3 (7) THE DIVISION OF INSURANCE AND THE DEPARTMENT OF HEALTH  
4 CARE POLICY AND FINANCING SHALL PROMOTE THE AVAILABILITY OF THE  
5 EMERGENCY PRESCRIPTION INSULIN SUPPLY TO COLORADANS. EACH  
6 AGENCY MAY SEEK AND ACCEPT GIFTS, GRANTS, AND DONATIONS TO  
7 FULFILL THE REQUIREMENTS OF THIS SUBSECTION (7).

8 (8) A MANUFACTURER'S REIMBURSEMENT PURSUANT TO  
9 SUBSECTION (6)(b) OF THIS SECTION IS NOT A KICKBACK.

10 (9) A MANUFACTURER THAT FAILS TO COMPLY WITH THE  
11 REQUIREMENTS OF THIS SECTION IS SUBJECT TO A FINE OF TEN THOUSAND  
12 DOLLARS FOR EACH MONTH OF NONCOMPLIANCE.

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