

CHAPTER 454

INSURANCE

SENATE BILL 24-203

BY SENATOR(S) Ginal and Kirkmeyer, Michaelson Jenet, Smallwood, Will, Zenzinger, Buckner, Cutter, Lundeen, Mullica, Priola, Simpson;
also REPRESENTATIVE(S) Hartsook and Ortiz, Bird, Bradfield, Brown, deGruy Kennedy, Pugliese, Young, Boesenecker, Duran, Froelich, Hamrick, Jodeh, Lieder, Lindsay, Lukens, Marshall, Snyder, Story, Titone, McCluskie.

AN ACT

CONCERNING REQUIRING THE COLORADO PRESCRIPTION DRUG AFFORDABILITY REVIEW BOARD TO CONSIDER INPUT FROM THE COLORADO RARE DISEASE ADVISORY COUNCIL UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. In Colorado Revised Statutes, 10-16-1406, **amend** (2)(c), (2)(d), and (4)(h); and **add** (2)(e) as follows:

10-16-1406. Colorado prescription drug affordability review board - affordability reviews of prescription drugs - repeal. (2) After identifying prescription drugs as described in subsection (1) of this section, the board shall determine whether to conduct an affordability review for each identified prescription drug by:

(c) Seeking and considering input from the advisory council about the prescription drug; ~~and~~

(d) Considering the average patient's out-of-pocket cost for the prescription drug;
AND

(e) CONSIDERING WHETHER THE DRUG HAS AN APPROVED ORPHAN DRUG DESIGNATION FOR ONE OR MORE RARE DISEASES AND NO OTHER INDICATIONS AND, IF SO, CONSIDERING INPUT FROM CONSUMERS AND THE COLORADO RARE DISEASE ADVISORY COUNCIL CREATED IN SECTION 25-1-1503.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(4) In performing an affordability review, to the extent practicable, the board shall consider:

(h) Input from:

(I) Patients and caregivers affected by the condition or disease that is treated by the prescription drug that is under review by the board; ~~and~~

(II) Individuals who possess scientific or medical training with respect to a condition or disease treated by the prescription drug that is under review by the board; AND

(III) THE RARE DISEASE ADVISORY COUNCIL CREATED IN SECTION 25-1-1503.

SECTION 2. In Colorado Revised Statutes, 25-1-1505, **amend** (3)(d) and (3)(e); and **add** (3)(f) as follows:

25-1-1505. Activities carried out by the council - duties. (3) In addition to any other council activities, the council may:

(d) Publicize its findings and recommendations concerning the needs of individuals with rare diseases living in Colorado and advocate on behalf of the council for its recommended actions; ~~and~~

(e) Seek, accept, and expend gifts, grants, and donations for purposes of carrying out the duties of the council; AND

(f) OFFER INPUT TO THE COLORADO PRESCRIPTION DRUG AFFORDABILITY REVIEW BOARD, AS DESCRIBED IN SECTION 10-16-1406 (2)(e) AND (4)(h)(III).

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2024