

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB23-1201 be amended as follows:

- 1 Amend printed bill, page 2, strike lines 2 through 20.
- 2 Strike pages 3 through 7.
- 3 Page 8, strike lines 1 through 6.
- 4 Renumber succeeding sections accordingly.
- 5 Page 8, line 20, after "2025," insert "AND EACH CALENDAR YEAR
- 6 THEREAFTER,".
- 7 Page 8, line 26, after "DISCLOSURES" insert "REQUIRED".
- 8 Page 9, line 25, after "2025," insert "AND EACH CALENDAR YEAR
- 9 THEREAFTER,".
- 10 Page 10, line 1, strike "2025".
- 11 Page 10, strike lines 2 and 3 and substitute "WERE IN EFFECT THE
- 12 PREVIOUS CALENDAR YEAR, ANNUALIZING THE PREVIOUS YEAR'S ACTUAL
- 13 DATA FOR EACH RESPECTIVE CERTIFICATE".
- 14 Page 10, line 15, strike "CALENDAR YEAR 2025".
- 15 Page 10, strike lines 23 and 24 and substitute:
- 16 "(3) THE COMMISSIONER".
- 17 Page 11, strike lines 5 and 6 and substitute "BY THE DIVISION,".
- 18 Page 11, line 7, strike "APPROPRIATE,".
- 19 Page 11, after line 27 insert:
- 20 "(6) (a) THE REQUIREMENTS OF SUBSECTIONS (1), (2), AND (4) OF
- 21 THIS SECTION APPLY TO AN EMPLOYER-SPONSORED HEALTH BENEFIT PLAN,
- 22 AN ASSOCIATED PHARMACY BENEFIT MANAGER, AND THE HEALTH BENEFIT
- 23 PLAN MEMBERS ONLY IF A PERSON, TAFT-HARTLEY TRUST, MUNICIPALITY,
- 24 STATE, LABOR UNION, PLAN SPONSOR, OR EMPLOYER THAT PROVIDES THE
- 25 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN ELECTS TO BE SUBJECT TO
- 26 SUBSECTIONS (1), (2), AND (4) OF THIS SECTION FOR ITS MEMBERS THAT

1 RESIDE IN COLORADO.

2 (b) AS USED IN THIS SUBSECTION (6), "PHARMACY BENEFIT
3 MANAGER" MEANS AN ENTITY DOING BUSINESS IN THIS STATE THAT
4 ADMINISTERS OR MANAGES PRESCRIPTION DRUG BENEFITS, INCLUDING
5 CLAIMS PROCESSING SERVICES AND OTHER PRESCRIPTION DRUG OR DEVICE
6 SERVICES AS DEFINED IN SECTION 10-16-122.1, THAT IS IN A CONTRACTUAL
7 RELATIONSHIP DIRECTLY OR INDIRECTLY THROUGH AN AFFILIATE WITH AN
8 EMPLOYER-SPONSORED HEALTH BENEFIT PLAN, WHICH INCLUDES PLANS
9 THAT ARE SELF-INSURED OR REGULATED BY THE FEDERAL "EMPLOYEE
10 RETIREMENT INCOME SECURITY ACT OF 1974", 29 U.S.C. SEC. 1001 ET
11 SEQ., AS AMENDED, OFFERED BY:

12 (I) A PERSON;
13 (II) A TAFT-HARTLEY TRUST;
14 (III) A MUNICIPALITY;
15 (IV) THE STATE;
16 (V) A LABOR UNION;
17 (VI) A PLAN SPONSOR;
18 (VII) AN EMPLOYER; OR
19 (VIII) A COALITION OF EMPLOYERS OR AGGREGATION OF
20 EMPLOYERS WORKING TOGETHER TO NEGOTIATE IMPROVED CONTRACT
21 TERMS WITH A PHARMACY BENEFIT MANAGER."

22 Renumber succeeding subsection accordingly.

23 Page 12, after line 13 insert:

24 "SECTION 2. In Colorado Revised Statutes, add 25.5-1-133 as
25 follows:

26 **25.5-1-133. Prescription benefits - department and pharmacy**
27 **manager - contracts - audit - rules.** (1) FOR CONTRACTS BETWEEN A
28 PHARMACY BENEFIT MANAGER AND THE STATE DEPARTMENT OR ONE OF
29 ITS AFFILIATED MANAGED CARE ORGANIZATIONS OFFERING A
30 PRESCRIPTION BENEFIT PLAN THAT IS ISSUED OR RENEWED ON OR AFTER
31 JANUARY 1, 2025, THE AMOUNT CHARGED BY THE PHARMACY BENEFIT
32 MANAGER TO THE STATE DEPARTMENT OR MANAGED CARE ORGANIZATION
33 FOR A PRESCRIPTION DRUG DISPENSED TO AN ENROLLEE IN THE PROGRAM
34 OF MEDICAL ASSISTANCE CREATED PURSUANT TO SECTION 25.5-4-104
35 MUST BE EQUAL TO OR LESS THAN THE AMOUNT PAID BY THE PHARMACY
36 BENEFIT MANAGER TO A MEDICAID PHARMACY FOR THE PRESCRIPTION
37 DRUG DISPENSED TO THE ENROLLEE.

38 (2) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
39 THIS SECTION, INCLUDING RULES GUIDING AN AUDIT OF MANAGED CARE OR
40 FEE-FOR-SERVICE CLAIMS, TO ENSURE THAT THERE IS NO VIOLATION OF
41 SUBSECTION (1) OF THIS SECTION."

1 Renumber succeeding section accordingly.

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