

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0737.01 Richard Sweetman x4333

SENATE BILL 26-140

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**Frizell and Marchman**, Amabile, Bright, Carson, Jodeh, Kirkmeyer, Simpson

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Health & Human Services

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A BILL FOR AN ACT

101 CONCERNING EXEMPTING CERTAIN DRUGS FROM THE SCOPE OF  
102 AFFORDABILITY REVIEWS CONDUCTED BY THE COLORADO  
103 PRESCRIPTION DRUG AFFORDABILITY REVIEW BOARD.

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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 states that the Colorado prescription drug affordability review board has no authority to perform an affordability review of, or to establish an upper payment limit for, a prescription drug that is:

- Designated as a drug for a rare disease or condition by the food and drug administration (FDA) of the federal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

- department of health and human services; or  
• A licensed biological product that is derived from human whole blood or plasma as indicated on product labeling approved by the FDA.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 10-16-1415  
3 as follows:

4 **10-16-1415. Exemptions - prescription drugs derived from**  
5 **cannabis - prescription drugs for rare diseases and conditions -**  
6 **licensed biological products derived from human whole blood or**  
7 **plasma.**

8 (1) Notwithstanding any provision of this part 14 to the contrary,  
9 the board has no authority to perform an affordability review of, or to  
10 establish an upper payment limit for, ~~any~~ A prescription drug that is:

11 (a) Derived in whole or in part from cannabis;

12 (b) DESIGNATED AS A DRUG FOR A RARE DISEASE OR CONDITION BY  
13 THE FDA PURSUANT TO 21 U.S.C. SEC. 360bb; OR

14 (c) A LICENSED BIOLOGICAL PRODUCT THAT IS DERIVED FROM  
15 HUMAN WHOLE BLOOD OR PLASMA AS INDICATED ON PRODUCT LABELING  
16 APPROVED BY THE FDA PURSUANT TO 42 U.S.C. SEC. 262. THE BOARD  
17 SHALL REFER TO PRODUCT INFORMATION AVAILABLE ON THE FDA'S  
18 APPROVED BLOOD PRODUCTS WEBSITE, INCLUDING THE LIST OF  
19 FRACTIONATED PLASMA PRODUCTS, TO DETERMINE WHETHER A PRODUCT  
20 IS DERIVED FROM HUMAN WHOLE BLOOD OR PLASMA.

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August

1 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2026 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.