Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

ENGROSSED

This Version Includes All Amendments Adopted on Second Reading in the House of Introduction

LLS NO. 26-0737.01 Richard Sweetman x4333

SENATE BILL 26-140

SENATE SPONSORSHIP

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

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Gilchrist and Johnson, Bradfield, Hartsook, Joseph, Taggart

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A BILL FOR AN ACT

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

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

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.

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

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

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

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

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

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

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

SECTION 2. 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 (August

12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.