

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0665.01 Kristen Forrestal x4217

SENATE BILL 24-077

SENATE SPONSORSHIP

Jaquez Lewis, Michaelson Jenet

HOUSE SPONSORSHIP

McCormick,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING PRESCRIPTION DRUG MANUFACTURER REQUIREMENTS
102 UNDER THE JURISDICTION OF THE COMMISSIONER OF
103 INSURANCE.

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 requires each manufacturer of a prescription drug that is available for purchase in this state (manufacturer) to register with and pay a fee to the division of insurance.

The bill requires a manufacturer to offer a copayment assistance program to a covered person, either for the entire plan year or for the

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.

calendar year, whichever the deductible and out-of-pocket calculation applies to, for as long as the covered person is enrolled in the health benefit plan.

A manufacturer that violates the requirements commits an unfair method of competition and an unfair or deceptive act or practice in the business of insurance.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-122.8 as
3 follows:

4 **10-16-122.8. Prescription drug manufacturers - registration**
5 **with the division - reporting requirements - copayment assistance**
6 **program - enforcement - rules - definition.** (1) ON AND AFTER
7 JANUARY 1, 2025, EACH PRESCRIPTION DRUG MANUFACTURER THAT
8 MANUFACTURES A PRESCRIPTION DRUG THAT IS AVAILABLE FOR PURCHASE
9 IN THIS STATE SHALL REGISTER WITH AND PAY A REGISTRATION FEE TO THE
10 DIVISION IN A FORM AND MANNER SPECIFIED BY THE COMMISSIONER BY
11 RULE.

12 (2)(a) IF A COVERED PERSON IS ENROLLED IN OR PARTICIPATING IN
13 A COPAYMENT ASSISTANCE PROGRAM OFFERED BY A PRESCRIPTION DRUG
14 MANUFACTURER THAT REDUCES OR ELIMINATES THE COVERED PERSON'S
15 OUT-OF-POCKET EXPENSES FOR A PRESCRIPTION DRUG COVERED UNDER
16 THE COVERED PERSON'S HEALTH BENEFIT PLAN, THE PRESCRIPTION DRUG
17 MANUFACTURER MUST OFFER THE COPAYMENT ASSISTANCE PROGRAM TO
18 THE COVERED PERSON EITHER FOR THE ENTIRE PLAN YEAR OR FOR THE
19 CALENDAR YEAR, WHICHEVER THE DEDUCTIBLE AND OUT-OF-POCKET
20 CALCULATION APPLIES TO, FOR AS LONG AS THE COVERED PERSON IS
21 ENROLLED IN THE HEALTH BENEFIT PLAN.

22 (b) AS USED IN THIS SUBSECTION (2), "COPAYMENT ASSISTANCE

1 PROGRAM" MEANS A PROGRAM, OFFERED BY A PRESCRIPTION DRUG
2 MANUFACTURER, INCLUDING A COUPON OR OTHER DISCOUNT, THAT
3 REDUCES OR ELIMINATES THE OUT-OF-POCKET COST THAT A COVERED
4 PERSON MUST PAY FOR A PRESCRIPTION DRUG.

5 (3) A PRESCRIPTION DRUG MANUFACTURER THAT VIOLATES THIS
6 SECTION ENGAGES IN AN UNFAIR METHOD OF COMPETITION AND AN UNFAIR
7 OR DECEPTIVE ACT OR PRACTICE PURSUANT TO SECTION 10-3-1104
8 (1)(uu).

9 **SECTION 2.** In Colorado Revised Statutes, 10-3-1104, **add**
10 (1)(uu) as follows:

11 **10-3-1104. Unfair methods of competition - unfair or deceptive**
12 **practices.** (1) The following are defined as unfair methods of
13 competition and unfair or deceptive acts or practices in the business of
14 insurance:

15 (uu) A VIOLATION OF SECTION 10-16-122.8.

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