

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

February 20, 2019  
\_\_\_\_\_  
Date

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB19-1131 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 12-42.5-308 as  
4 follows:

5 **12-42.5-308. Manufacturer, agent, representative, employee**  
6 **- drug cost information - required - definitions.** (1) A MANUFACTURER,  
7 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER,  
8 SHALL PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE  
9 ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF  
10 CONDUCTING BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT,  
11 OR EMPLOYEE PROVIDES INFORMATION CONCERNING THE DRUG TO THE  
12 PRESCRIBER.

13 (2) (a) WHEN PROVIDING THE INFORMATION REQUIRED BY  
14 SUBSECTION (1) OF THIS SECTION, A MANUFACTURER, OR A  
15 REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, SHALL  
16 ALSO DISSEMINATE THE NAMES AND WHOLESALE ACQUISITION COSTS OF  
17 AT LEAST THREE GENERIC PRESCRIPTION DRUGS FROM THE SAME  
18 THERAPEUTIC CLASS, OR IF THREE ARE NOT AVAILABLE, AS MANY AS ARE  
19 AVAILABLE FOR PRESCRIPTIVE USE.

20 (b) FOR THE PURPOSES OF THIS SECTION:

21 (I) "PRESCRIBER" MEANS A HEALTH CARE PROVIDER LICENSED  
22 PURSUANT TO THIS TITLE 12 WHO IS AUTHORIZED TO PRESCRIBE  
23 CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS.

24 (II) "THERAPEUTIC CLASS" MEANS A GROUP OF SIMILAR DRUGS

1 THAT HAVE THE SAME OR SIMILAR MECHANISMS OF ACTION AND ARE USED  
2 TO TREAT A SPECIFIC CONDITION.

3 **SECTION 2.** In Colorado Revised Statutes, **add to article 280**  
4 **as relocated by House Bill 19-1172 12-280-308** as follows:

5 **12-280-308. Manufacturer, agent, representative, employee -**  
6 **drug cost information - required - definitions.** (1) A MANUFACTURER,  
7 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER,  
8 SHALL PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESAL  
9 ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF  
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24 (II) "THERAPEUTIC CLASS" MEANS A GROUP OF SIMILAR DRUGS  
25 THAT HAVE THE SAME OR SIMILAR MECHANISMS OF ACTION AND ARE USED  
26 TO TREAT A SPECIFIC CONDITION.

27 **SECTION 3. Act subject to petition - effective date.** (1) Except  
28 as otherwise provided in subsection (2) of this section, this act takes  
29 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
30 period after final adjournment of the general assembly (August 2, 2019,  
31 if adjournment sine die is on May 3, 2019); except that, if a referendum  
32 petition is filed pursuant to section 1 (3) of article V of the state  
33 constitution against this act or an item, section, or part of this act within  
34 such period, then the act, item, section, or part will not take effect unless  
35 approved by the people at the general election to be held in November  
36 2020 and, in such case, will take effect on the date of the official  
37 declaration of the vote thereon by the governor.

38 (2) Section 2 of this act takes effect only if House Bill 19-1172  
39 becomes law, in which case section 2 takes effect October 1, 2019."

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