

CORRECTED  
SENATE COMMITTEE OF REFERENCE REPORT

February 13, 2020

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Chair of Committee

Date

Committee on Health & Human Services.

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

SB20-107 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, strike line 7 and substitute "25.5-1-805  
2 (1)(a)(I) or (1)(a)(II).

3 (3) "CONSOLIDATED COMPREHENSIVE LIST" MEANS A  
4 SINGLE, CONSOLIDATED LIST OF PRESCRIPTION DRUGS CONSISTING OF THE  
5 COMPREHENSIVE LISTS OF PRESCRIPTION DRUGS COMPILED BY THE  
6 DEPARTMENTS PURSUANT TO SECTION 25.5-1-805 (1)(a)(I) AND  
7 (1)(a)(II).".

8 Renumber succeeding subsections accordingly.

9 Page 5, line 2, strike "(7)(a)" and substitute "(8)(a)".

10 Page 5, line 4, strike "12-280-103 (42)." and substitute "12-280-103 (42);  
11 EXCEPT THAT THE TERM INCLUDES ONLY DRUGS THAT ARE INTENDED FOR  
12 HUMAN USE.".

13 Page 6, strike line 21 and substitute "THE TOTAL SPENDING BY EACH  
14 DEPARTMENT.

15 (II) IN ADDITION TO THE COMPREHENSIVE LIST COMPILED  
16 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, BY DECEMBER 1,  
17 2020, AND BY EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT OF  
18 PERSONNEL SHALL COMPILE A COMPREHENSIVE LIST CONTAINING THE  
19 NAMES AND WHOLESALE ACQUISITION COSTS OF THE FOLLOWING  
20 PRESCRIPTION DRUGS THE DEPARTMENT OF PERSONNEL PURCHASED OR

1 PAID FOR DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR,  
2 BASED ON THE TOTAL AMOUNT SPENT BY THE DEPARTMENT OF PERSONNEL  
3 AFTER ACCOUNTING FOR ANY REBATES, DISCOUNTS, OR OTHER COST  
4 SAVINGS:

5 (A) THE TWENTY HIGHEST-COST PRESCRIPTION DRUGS PER COURSE  
6 OF THERAPY; AND

7 (B) THE TWENTY HIGHEST-COST PRESCRIPTION DRUGS BASED ON  
8 TOTAL SPENDING BY THE DEPARTMENT OF PERSONNEL."

9 Renumber succeeding subparagraph accordingly.

10 Page 6, line 23, strike "LIST" and substitute "LISTS COMPILED PURSUANT  
11 TO SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION".

12 Page 6, line 25, strike the second "THE" and substitute "A  
13 CONSOLIDATED".

14 Page 7, strike line 21.

15 Renumber succeeding subparagraph accordingly.

16 Page 7, line 23, strike "ADVERTISING." and substitute "ADVERTISING; AND  
17 (VIII) ANY OTHER INFORMATION THE MANUFACTURER DEEMS  
18 RELEVANT TO THE PRICING OF THE PRESCRIPTION DRUG."

19 Page 8, after line 3 insert:

20 "(c) THE STATE DEPARTMENT SHALL ESTABLISH A PROCESS FOR A  
21 MANUFACTURER TO DESIGNATE INFORMATION REPORTED PURSUANT TO  
22 THIS SUBSECTION (2) AS PROPRIETARY OR A TRADE SECRET, AS DEFINED IN  
23 SECTION 7-74-102 (4)."

24 Page 8, line 26, after "COMMITTEES." add "THE REPORT MUST:

25 (I) CONTAIN A STATEMENT INDICATING THAT THE REPORT DOES  
26 NOT INCLUDE A MANUFACTURER'S COSTS FOR RESEARCH AND  
27 DEVELOPMENT FOR PRODUCTS THAT FAILED TO MAKE IT TO MARKET; AND

28 (II) INDICATE THE TOTAL AMOUNT REBATED BACK TO THE STATE  
29 DEPARTMENT IN THE IMMEDIATELY PRECEDING CALENDAR YEAR FOR  
30 PRESCRIPTION DRUGS PAID FOR UNDER THE MEDICAL ASSISTANCE  
31 PROGRAM ADMINISTERED PURSUANT TO THE "COLORADO MEDICAL  
32 ASSISTANCE ACT", ARTICLES 4 TO 6 OF THIS TITLE 25.5, AND THE

1 PERCENTAGE OF THE STATE DEPARTMENT'S BUDGET FOR THE MEDICAL  
2 ASSISTANCE PROGRAM THAT IS SPENT ON PRESCRIPTION DRUGS, INCLUDING  
3 REBATES."

4 Page 9, strike line 6 and substitute "INFORMATION OBTAINED FROM A  
5 MANUFACTURER THAT IS DESIGNATED AS PROPRIETARY OR A TRADE  
6 SECRET IN ACCORDANCE WITH THE PROCESS ESTABLISHED BY THE STATE  
7 DEPARTMENT PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION, AND".

8 Page 9, line 7, strike "IS" and substitute "OR TRADE SECRETS ARE".

9 Page 9, after line 21 insert:

10 **"25.5-1-808. Repeal of part - subject to review.** THIS PART 8 IS  
11 REPEALED, EFFECTIVE SEPTEMBER 1, 2025. BEFORE THE REPEAL, THE  
12 FUNCTIONS OF THE STATE DEPARTMENT UNDER THIS PART 8 ARE  
13 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

14 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**  
15 (26)(a)(IX) as follows:

16 **24-34-104. General assembly review of regulatory agencies**  
17 **and functions for repeal, continuation, or reestablishment - legislative**  
18 **declaration - repeal.** (26) (a) The following agencies, functions, or both,  
19 are scheduled for repeal on September 1, 2025:

20 (IX) THE FUNCTIONS OF THE DEPARTMENT OF HEALTH CARE  
21 POLICY AND FINANCING WITH REGARD TO THE ANALYSIS AND REPORTING  
22 ON PRESCRIPTION DRUG PRODUCTION COSTS PURSUANT TO PART 8 OF  
23 ARTICLE 1 OF TITLE 25.5."

24 Renumber succeeding sections accordingly.

25 Before "COMPREHENSIVE" insert "CONSOLIDATED" on: **Page 7**, lines 1 and  
26 8; and **Page 8**, lines 3, 8, 12, and 21.

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