CORRECTED
SENATE COMMITTEE OF REFERENCE REPORT

February 13, 2020
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:

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

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

Renumber succeeding subsections accordingly.

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

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

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

(II) IN ADDITION TO THE COMPREHENSIVE LIST COMPILED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, BY DECEMBER 1, 2020, AND BY EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT OF PERSONNEL SHALL COMPILE A COMPREHENSIVE LIST CONTAINING THE NAMES AND WHOLESALE ACQUISITION COSTS OF THE FOLLOWING PRESCRIPTION DRUGS THE DEPARTMENT OF PERSONNEL PURCHASED OR
PAID FOR DURING THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, 
BASED ON THE TOTAL AMOUNT SPENT BY THE DEPARTMENT OF PERSONNEL 
AFTER ACCOUNTING FOR ANY REBATES, DISCOUNTS, OR OTHER COST 
SAVINGS:
(A) THE TWENTY HIGHEST-COST PRESCRIPTION DRUGS PER COURSE 
OF THERAPY; AND 
(B) THE TWENTY HIGHEST-COST PRESCRIPTION DRUGS BASED ON 
TOTAL SPENDING BY THE DEPARTMENT OF PERSONNEL."

Renumber succeeding subparagraph accordingly.

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

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

Page 7, strike line 21.

Renumber succeeding subparagraph accordingly.

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

Page 8, after line 3 insert:
"(c) THE STATE DEPARTMENT SHALL ESTABLISH A PROCESS FOR A 
MANUFACTURER TO DESIGNATE INFORMATION REPORTED PURSUANT TO 
THIS SUBSECTION (2) AS PROPRIETARY OR A TRADE SECRET, AS DEFINED IN 
SECTION 7-74-102 (4).".

Page 8, line 26, after "COMMITTEES." add "THE REPORT MUST:
(I) CONTAIN A STATEMENT INDICATING THAT THE REPORT DOES 
NOT INCLUDE A MANUFACTURER'S COSTS FOR RESEARCH AND 
DEVELOPMENT FOR PRODUCTS THAT FAILED TO MAKE IT TO MARKET; AND 
(II) INDICATE THE TOTAL AMOUNT REBATED BACK TO THE STATE 
DEPARTMENT IN THE IMMEDIATELY PRECEDING CALENDAR YEAR FOR 
PRESCRIPTION DRUGS PAID FOR UNDER THE MEDICAL ASSISTANCE 
PROGRAM ADMINISTERED PURSUANT TO THE "COLORADO MEDICAL 
ASSISTANCE ACT", ARTICLES 4 TO 6 OF THIS TITLE 25.5, AND THE
PERCENTAGE OF THE STATE DEPARTMENT'S BUDGET FOR THE MEDICAL
ASSISTANCE PROGRAM THAT IS SPENT ON PRESCRIPTION DRUGS, INCLUDING
REBATES.".

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

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

Page 9, after line 21 insert:

"25.5-1-808. Repeal of part - subject to review. This part 8 is
repealed, effective September 1, 2025. Before the repeal, the
functions of the state department under this part 8 are
scheduled for review in accordance with section 24-34-104.

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

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

(IX) The functions of the department of health care
policy and financing with regard to the analysis and reporting
on prescription drug production costs pursuant to part 8 of
article 1 of title 25.5.".

Renumber succeeding sections accordingly.

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

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