

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 17, 2021

Committee on Health & Human Services.

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

SB21-175 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 8, line 2, strike "10-16-1307 (5)." and substitute
2 "10-16-1307 (6).".
- 3 Page 9, strike lines 7 and 8 and substitute "EACH HAVE AN ADVANCED
4 DEGREE AND EXPERIENCE OR EXPERTISE IN HEALTH-CARE ECONOMICS OR
5 CLINICAL MEDICINE."
- 6 Page 9, lines 17 through 19, strike "EACH MEMBER SERVES AT THE
7 PLEASURE OF THE GOVERNOR AND MAY BE REMOVED FROM THE BOARD BY
8 THE GOVERNOR." and substitute "THE GOVERNOR MAY REMOVE ANY
9 APPOINTED MEMBER OF THE BOARD FOR MALFEASANCE IN OFFICE, FOR
10 FAILURE TO REGULARLY ATTEND MEETINGS, OR FOR ANY CAUSE THAT
11 RENDERS THE MEMBER INCAPABLE OR UNFIT TO DISCHARGE THE DUTIES OF
12 THE MEMBER'S OFFICE, AND ANY SUCH REMOVAL IS NOT SUBJECT TO
13 REVIEW."
- 14 Page 9, line 22, after "QUORUM." add "THE CONCURRENCE OF A MAJORITY
15 OF THE BOARD IN ANY MATTER WITHIN ITS POWERS AND DUTIES IS
16 REQUIRED FOR ANY DETERMINATION MADE BY THE BOARD."
- 17 Page 10, strike lines 23 through 27.
- 18 Renumber succeeding subsection accordingly.
- 19 Page 11, line 4, strike "(5)" and substitute "(4)".

1 Page 11, line 19, strike "(1)(g)." and substitute "(1)(h).".

2 Page 12, strike lines 13 through 20 and substitute:

3 "(6) (a) THE DIVISION, ON BEHALF OF THE BOARD, MAY SEEK,
4 ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR
5 PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 13, AND ANY SUCH
6 GIFTS, GRANTS, AND DONATIONS ARE CONTINUOUSLY APPROPRIATED TO
7 THE DEPARTMENT OF REGULATORY AGENCIES; EXCEPT THAT THE DIVISION
8 SHALL NOT ACCEPT ANY GIFT, GRANT, OR DONATION THAT CREATES A
9 CONFLICT OF INTEREST OR THE APPEARANCE OF ANY CONFLICT OF
10 INTEREST FOR ANY BOARD MEMBER."

11 Strike "AND" and substitute "OR" on: **Page 15**, lines 7 and 27.

12 Page 19, after line 25 insert:

13 "(f) THE IMPACT ON SAFETY NET PROVIDERS IF THE PRESCRIPTION
14 DRUG IS AVAILABLE THROUGH SECTION 340B OF THE FEDERAL "PUBLIC
15 HEALTH SERVICE ACT", PUB.L. 78-410;"

16 Reletter succeeding paragraphs accordingly.

17 Page 21, line 21, strike "CONSUMERS." and substitute "CONSUMERS;
18 EXCEPT THAT THE BOARD MAY NOT ESTABLISH AN UPPER PAYMENT LIMIT
19 FOR MORE THAN TWELVE PRESCRIPTION DRUGS IN EACH CALENDAR YEAR
20 FOR THREE YEARS BEGINNING APRIL 1, 2022."

21 Page 22, after line 8 insert:

22 "(3) THE METHODOLOGY DETERMINED BY THE BOARD PURSUANT
23 TO SUBSECTION (2) OF THIS SECTION SHALL NOT CONSIDER RESEARCH OR
24 METHODS THAT EMPLOY A DOLLARS-PER-QUALITY ADJUSTED LIFE YEAR,
25 OR SIMILAR MEASURE, THAT DISCOUNTS THE VALUE OF A LIFE BECAUSE OF
26 AN INDIVIDUAL'S DISABILITY OR AGE."

27 Renumber succeeding subsections accordingly.

28 Page 24, line 16, strike "PROFESSIONALS;" and substitute "PROFESSIONALS
29 WITH PRESCRIBING AUTHORITY;"



1 Page 24, line 26, after "WHO" insert "HAVE EXPERIENCE SERVING
2 UNDERSERVED COMMUNITIES AND".

3

4 Page 24, line 27, after "WEALTH," insert "DISABILITY, AGE, GENDER
5 IDENTITY,".

6 Page 28, after line 2 insert:

7 "(5) NOTWITHSTANDING ANY PROVISION OF THIS PART 13 TO THE
8 CONTRARY, AS USED IN THIS SECTION, "PERSON" DOES NOT INCLUDE AN
9 INDIVIDUAL WHO ACQUIRES A PRESCRIPTION DRUG FOR THE INDIVIDUAL'S
10 OWN USE OR FOR A FAMILY MEMBER'S USE."

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12 Page 28, line 4, after "**required**" insert "**- rules**".

13 Page 28, after line 14 insert:

14 "(2) THE BOARD SHALL PROMULGATE RULES TO NOTIFY
15 CONSUMERS OF THE INTENT OF ANY MANUFACTURER TO WITHDRAW A
16 PRESCRIPTION DRUG FROM SALE OR DISTRIBUTION WITHIN THE STATE, AS
17 DESCRIBED IN SUBSECTION (1) OF THIS SECTION."

18 Renumber succeeding subsection accordingly.

19 Page 29, after line 19 insert:

20 "(d) THE IMPACT OF ANY UPPER PAYMENT LIMITS ESTABLISHED BY
21 THE BOARD PURSUANT TO SECTION 10-16-1307 ON HEALTH-CARE
22 PROVIDERS AND PHARMACIES;"

23 Reletter succeeding paragraphs accordingly.

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