

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

April 1, 2022

Committee on Health & Insurance.

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

HB22-1122 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 14, strike ""340B COVERED".
- 2 Page 4, strike lines 15 and 16.
- 3 Page 5, line 18, after "PLAN;" insert "OR".
- 4 Page 5, strike lines 23 through 27.
- 5 Page 6, strike line 1 and substitute "24-51-1202".
- 6 Page 6, line 2, strike "INCLUDE AN" and substitute "INCLUDE:
- 7 (I) AN".
- 8 Page 6, strike line 4 and substitute "INSURANCE; OR
- 9 (II) AN INSURER OR ENTITY THAT PROVIDES HEALTH COVERAGE,
- 10 BENEFITS, OR COVERAGE OF PRESCRIPTION DRUGS AS PART OF COVERAGE
- 11 REQUIRED UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO",
- 12 ARTICLES 40 TO 47 OF TITLE 8, OR WORKERS' COMPENSATION COVERAGE
- 13 REQUIRED UNDER FEDERAL LAW".
- 14 Page 6, strike lines 5 through 7 and substitute:
- 15 **"10-16-1504. Applicability - exclusions.** (1) THIS PART 15
- 16 APPLIES TO ANY THIRD PARTY THAT REIMBURSES 340B COVERED ENTITIES
- 17 OR CONTRACT PHARMACIES IN THIS STATE.
- 18 (2) NOTHING IN THIS PART 15:
- 19 (a) PROHIBITS A THIRD PARTY FROM MAINTAINING DIFFERENTIAL
- 20 REIMBURSEMENT RATES FOR PARTICIPATING AND NONPARTICIPATING

1 PROVIDERS, SO LONG AS THE RATES ARE NOT DETERMINED ON THE BASIS  
2 OF A PROVIDER'S STATUS AS A 340B COVERED ENTITY OR CONTRACT  
3 PHARMACY;

4 (b) AFFECTS A THIRD PARTY'S ABILITY TO ESTABLISH COVERAGE  
5 GUIDELINES AND EXCLUDE SPECIFIC DRUGS FROM ITS PRESCRIPTION DRUG  
6 FORMULARIES, SO LONG AS THE GUIDELINES AND EXCLUSIONS ARE NOT  
7 DETERMINED ON THE BASIS OF A PROVIDER'S STATUS AS A 340B COVERED  
8 ENTITY OR CONTRACT PHARMACY OR OF A DRUG'S STATUS AS A 340B  
9 DRUG; OR

10 (c) REQUIRES A THIRD PARTY TO CONTRACT WITH A 340B  
11 COVERED ENTITY OR CONTRACT PHARMACY FOR PURPOSES OF  
12 PARTICIPATING IN THE THIRD PARTY'S NETWORK, SO LONG AS THE THIRD  
13 PARTY'S CONTRACTING DECISIONS ARE NOT DETERMINED ON THE BASIS OF  
14 A PROVIDER'S STATUS AS A 340B COVERED ENTITY OR CONTRACT  
15 PHARMACY."

16 Page 6, line 14, strike "ENTITIES;" and substitute "ENTITIES OR CONTRACT  
17 PHARMACIES;"

18 After "ENTITY" insert "OR CONTRACT PHARMACY" on: **Page 6**, lines 9, 11,  
19 16, 17, 19, 20, 21, 26, and 27; and **Page 7**, lines 5, 8, 16, and 18.

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