

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 12, 2023  
Date

Committee on Health & Human Services.

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

HB23-1002 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 4, after line 17, insert:

2           "(4) THIS SECTION DOES NOT APPLY TO A HIGH DEDUCTIBLE  
3 HEALTH PLAN AS DEFINED BY 26 U.S.C. SEC. 223 (c)(2), AS AMENDED,  
4 THAT IS ISSUED OR RENEWED IN THIS STATE UNTIL A COVERED PERSON HAS  
5 MET THE COVERED PERSON'S APPLICABLE DEDUCTIBLE AMOUNT FOR SUCH  
6 PLAN, UNLESS ALLOWED PURSUANT TO FEDERAL LAW."

7 Renumber succeeding subsections accordingly.

8 Page 6, line 21, after "(2)" insert "(a)".

9 Page 6, line 27, after the period add "THE COMMISSIONER OF INSURANCE  
10 MAY DETERMINE THAT A MANUFACTURER MEETS THE REQUIREMENTS OF  
11 THIS SECTION IF THE MANUFACTURER:

12           (I) HAS A PATIENT ASSISTANCE PROGRAM THAT HAS BEEN  
13 REVIEWED AND APPROVED BY THE DIVISION;

14           (II) PROVIDES COLORADO PATIENTS WITH EPINEPHRINE  
15 AUTO-INJECTORS AT THE COST OF SIXTY DOLLARS OR LESS FOR EACH  
16 TWO-PACK OF EPINEPHRINE AUTO-INJECTORS; AND

17           (III) CONTINUES TO MAKE THE PATIENT ASSISTANCE PROGRAM  
18 AVAILABLE TO COLORADO PATIENTS WHO MEET THE ELIGIBILITY CRITERIA  
19 OUTLINED IN SUBSECTION (3) OF THIS SECTION.

20           (b) THE COMMISSIONER OF INSURANCE SHALL DEVELOP A FORM  
21 FOR MANUFACTURERS TO USE IN SEEKING SUCH DETERMINATION.

22           (c) IF A MANUFACTURER DISCONTINUES ITS APPROVED PATIENT  
23 ASSISTANCE PROGRAM, THE MANUFACTURER MUST IMMEDIATELY  
24 IMPLEMENT A PROGRAM TO COMPLY WITH THE REQUIREMENTS OF THIS

1 SECTION FOR QUALIFYING COLORADO PATIENTS."

2 Page 9, strike lines 16 through 19 and substitute:

3 "(8) (a) THE".

4 Page 9, line 25, after the period, add "IF A PHARMACY SUBMITS AN  
5 ELECTRONIC CLAIM TO A MANUFACTURER PURSUANT TO THIS SUBSECTION  
6 (8)(a), THE PHARMACY SHALL PROVIDE DOCUMENTATION OF THE DOLLAR  
7 AMOUNT THAT THE PHARMACY PAID TO ITS WHOLESALER OR OTHER  
8 DISTRIBUTOR FOR THE EPINEPHRINE AUTO-INJECTORS FOR WHICH THE  
9 PHARMACY IS SEEKING REIMBURSEMENT."

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