

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

March 30, 2023  
Date

Committee on Health & Human Services.

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

SB23-195 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 1, strike "**definition. (1)**" and substitute  
2 "**definitions - rules. (1) (a)**".

3 Page 4, line 6, strike "PERSON." and substitute "PERSON FOR A  
4 PRESCRIPTION DRUG IF:

5 (I) THE PRESCRIPTION DRUG DOES NOT HAVE A GENERIC  
6 EQUIVALENT; OR

7 (II) THE PRESCRIPTION DRUG HAS A GENERIC EQUIVALENT, AND  
8 THE COVERED PERSON IS USING THE BRAND-NAME PRESCRIPTION DRUG  
9 AFTER:

10 (A) OBTAINING PRIOR AUTHORIZATION FROM THE CARRIER OR  
11 PHARMACY BENEFIT MANAGER;

12 (B) COMPLYING WITH A STEP-THERAPY PROTOCOL REQUIRED BY  
13 THE CARRIER OR PHARMACY BENEFIT MANAGER; OR

14 (C) RECEIVING APPROVAL FROM THE CARRIER OR PHARMACY  
15 BENEFIT MANAGER THROUGH THE CARRIER'S OR PHARMACY BENEFIT  
16 MANAGER'S EXCEPTIONS, APPEAL, OR REVIEW PROCESS.

17 (b) IF A COVERED PERSON IS ENROLLED IN OR PARTICIPATING IN A  
18 COPAY ASSISTANCE PROGRAM OFFERED BY A PRESCRIPTION DRUG  
19 MANUFACTURER THAT REDUCES OR ELIMINATES THE COVERED PERSON'S  
20 OUT-OF-POCKET EXPENSES FOR A PRESCRIPTION DRUG COVERED UNDER  
21 THE COVERED PERSON'S HEALTH BENEFIT PLAN, THE PRESCRIPTION DRUG  
22 MANUFACTURER MUST OFFER THE COPAY ASSISTANCE PROGRAM TO THE  
23 COVERED PERSON EITHER FOR THE ENTIRE PLAN YEAR OR FOR THE  
24 CALENDAR YEAR, WHICHEVER THE DEDUCTIBLE AND OUT-OF-POCKET  
25 CALCULATION APPLIES TO, AS LONG AS THE COVERED PERSON IS ENROLLED  
26 IN THE HEALTH BENEFIT PLAN."

1 Page 4, after line 17 insert:

2 "(3) THE COMMISSIONER MAY ADOPT RULES AS NECESSARY TO  
3 IMPLEMENT THIS SECTION."

4 Renumber succeeding subsection accordingly.

5 Page 4, line 18, strike "SECTION, "COST-SHARING" and substitute  
6 "SECTION:

7 (a) "COPAY ASSISTANCE PROGRAM" MEANS A PROGRAM OFFERED  
8 BY THE MANUFACTURER OF A PRESCRIPTION DRUG, INCLUDING A COUPON  
9 OR OTHER DISCOUNT, THAT REDUCES OR ELIMINATES THE OUT-OF-POCKET  
10 COST THAT A COVERED PERSON MUST PAY FOR A PRESCRIPTION DRUG.

11 (b) "COST-SHARING".

12 Page 4, lines 22 and 23, strike "A SPECIFIC HEALTH-CARE SERVICE,  
13 INCLUDING".

14 Page 4, line 23, strike "OR DEVICE,".

15 Strike "coverage" and substitute "benefit" on: **Page 2**, lines 18 and 24;  
16 **Page 3**, lines 3, 11, and 24; and **Page 5**, line 9.

17 Strike "COVERAGE" and substitute "BENEFIT" on: **Page 4**, lines 4, 12, and  
18 24.

19 Page 1, line, 103, strike "COVERAGE" and substitute "BENEFIT".

\*\* \*\* \*\* \*\* \*\*