

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 16, 2024
Date

Committee on Health & Human Services.

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

HB24-1438 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 12, strike "(11)" and substitute "(4), (9),
2 and (11); and **repeal** (1)(b)".

- 3 Page 2, line 14, strike "**definitions.** (11) (a)" and substitute "**definitions.**
4 (1) As used in this section and section 12-280-140, unless the context
5 otherwise requires:
6 (b) "~~Division of insurance~~" means the division of insurance in the
7 ~~department of regulatory agencies, created in section 10-1-103.~~
8 (4) (a) The ~~division of insurance~~ BOARD shall develop an
9 application form to be used by an individual who is seeking insulin under
10 the program. The application form must require the individual to show
11 proof that the individual meets the requirements of subsection (3) of this
12 section.
13 (b) The ~~division of insurance and the department of health care~~
14 ~~policy and financing~~ BOARD shall make the application form available on
15 ~~each agency's~~ ITS website. The ~~division of insurance~~ BOARD shall also
16 make the application form available to pharmacies, health-care providers,
17 and health facilities that prescribe or dispense insulin.
18 (9) The ~~division of insurance and the department of health care~~
19 ~~policy and financing~~ BOARD shall promote the availability of the program
20 to Coloradans. The promotional material must include information about
21 each manufacturer's consumer insulin programs. ~~Each agency~~ THE BOARD
22 may seek and accept gifts, grants, and donations to fulfill the
23 requirements of this subsection (9).
24 (11) (a)".

- 25 Page 3, line 1, strike "**noncompliance**" and substitute "**noncompliance:**".

- 1 Page 3, line 15, strike "~~noncompliance~~" and substitute "~~noncompliance~~".
- 2 Page 3, line 24, strike "(4)(a) introductory portion, (4)(b)," and substitute
3 "(4)," and strike "and (11)" and substitute "(9), and (11); and **repeal**
4 (1)(b)".
- 5 Page 3, line 26, strike "**definitions.** (4) (a) The division of" and substitute
6 "**definitions.** (1) As used in this section:
7 (b) "~~Division of insurance~~" means the division of insurance in the
8 department of regulatory agencies created in section 10-1-103.
9 (4) (a) The ~~division of~~".
- 10 Page 3, strike line 27 and substitute "~~insurance~~ BOARD shall develop an
11 EPINEPHRINE AUTO-INJECTOR AFFORDABILITY PROGRAM application
12 form".
- 13 Page 4, line 1, strike "COMPLETED ONLINE".
- 14 Page 4, line 2, after "program." insert "THE APPLICATION FORM MUST BE
15 ACCEPTED BY ALL MANUFACTURERS SUBJECT TO THIS SECTION. THE
16 APPLICATION FORM MUST BE AVAILABLE TO INDIVIDUALS, PHARMACIES,
17 HEALTH-CARE PROVIDERS, AND HEALTH FACILITIES THROUGH THE
18 DIVISION'S WEBSITE AND MANUFACTURERS' WEBSITES AND MUST BE
19 ACCESSIBLE THROUGH A QUICK RESPONSE (QR) CODE OR OTHER
20 MACHINE-READABLE CODE."
- 21 Page 4, strike lines 4 through 20 and substitute:
22 "(I) Provide information related to program eligibility and
23 coverage in English, Spanish, and in each language spoken by at least two
24 and one-half percent of the population of any county in which such
25 population speaks English less than very well, as defined by the United
26 States bureau of the census American community survey or comparable
27 census data, and speaks a shared minority language at home; ~~and~~
28 (II) Require the individual to ~~show proof~~ ATTEST that the
29 individual meets the requirements of subsection (3) of this section; AND
30 (III) INCLUDE THE INFORMATION REQUIRED FOR A PHARMACY TO
31 SUCCESSFULLY SUBMIT, PURSUANT TO SUBSECTION (8) OF THIS SECTION,
32 AN ELECTRONIC CLAIM FOR REIMBURSEMENT THAT IS MADE IN
33 ACCORDANCE WITH THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG
34 PROGRAMS' STANDARDS FOR ELECTRONIC CLAIMS PROCESSING FOR THE
35 COST TO DISPENSE THE EPINEPHRINE AUTO-INJECTORS, ABOVE ANY
36 REQUIRED COST SHARING BY THE INDIVIDUAL AND ADJUDICATED AT THE
37 POINT OF SALE.

1 (b) ~~The division of insurance and the department of health care~~
2 ~~policy and financing shall make the application form available on each~~
3 ~~agency's website. The division of insurance shall also make the~~
4 ~~application form available to pharmacies, health-care providers, and~~
5 ~~health facilities that prescribe or dispense epinephrine auto-injectors~~
6 BOARD SHALL SUPPLY PHARMACIES WITH INFORMATION ABOUT THE
7 PROGRAM TO PROVIDE TO INDIVIDUALS WHO ARE SEEKING ACCESS TO THE
8 PROGRAM. THE INFORMATION MUST CONTAIN A QUICK RESPONSE (QR)
9 CODE OR OTHER MACHINE-READABLE CODE THAT AN INDIVIDUAL MAY USE
10 TO ACCESS THE PROGRAM APPLICATION AND INCLUDE INFORMATION ON
11 HOW TO SUBMIT A PROGRAM APPLICATION."

12 Page 4, lines 24 and 25, strike "INFORMATIONAL FLYER" and substitute
13 "INFORMATION".

14 Page 4, line 25, strike "(4)(b)(III)" and substitute "(4)(b)" and strike
15 "SECTION, IF" and substitute "SECTION".

16 Page 4, line 26, strike "AVAILABLE,".

17 Page 4, lines 26 and 27, strike "PROGRAM CREATED IN SUBSECTION (2) OF
18 THIS SECTION." and substitute "PROGRAM."

19 Page 5, before line 1 insert:

20 (9) ~~The division of insurance and the department of health care~~
21 ~~policy and financing~~ BOARD shall promote the availability of the program
22 to Coloradans. The promotional material must include information about
23 each manufacturer's consumer epinephrine auto-injector program, as
24 applicable. ~~Each agency~~ THE BOARD may seek and accept gifts, grants,
25 and donations to fulfill the requirements of this subsection (9)."

26 Page 5, line 4, strike "noncompliance" and substitute "noncompliance:".

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