

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0406.01 Richard Sweetman x4333

SENATE BILL 19-005

SENATE SPONSORSHIP

Rodriguez and Ginal,

HOUSE SPONSORSHIP

Jaquez Lewis,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING WHOLESALE IMPORTATION OF PRESCRIPTION**
102 **PHARMACEUTICAL PRODUCTS FROM CANADA FOR RESALE TO**
103 **COLORADO RESIDENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the "Colorado Wholesale Importation of Prescription Drugs Act", under which the department of health care policy and financing (department) shall design a program to import prescription pharmaceutical products from Canada for sale to Colorado consumers. The program design must ensure both drug safety and cost

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

savings for Colorado consumers. The department shall submit the program design to the secretary of the United States department of health and human services and request the secretary's approval of the program, as required by federal law, to import Canadian pharmaceutical products.

If the secretary approves the program, the department shall implement the program. The department shall adopt a funding mechanism to cover the program's administrative costs, and the department shall annually report on the program to the general assembly.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) United States consumers pay some of the highest prescription
5 drug prices in the world, and it is estimated that United States consumers
6 pay twice as much as the amount Canadian consumers pay for patented
7 prescription drugs and twenty percent more for generic drugs;

8 (b) Federal law, as codified in 21 U.S.C. sec. 384, authorizes the
9 secretary of the United States department of health and human services
10 to allow wholesale importation of prescription drugs from Canada if such
11 importation is shown to be both safe and less costly for United States
12 consumers;

13 (c) Although importing prescription drugs would be less costly,
14 there may be risks posed to consumer health and safety if the source,
15 quality, and purity of prescription drugs sold by online pharmacies cannot
16 be verified;

17 (d) Canada has a rigorous regulatory system to license prescription
18 drugs, equivalent to the licensing system in the United States;

19 (e) In the United States, Title II of the federal "Drug Quality and
20 Security Act", Pub.L. 113-54, referred to as the "Drug Supply Chain
21 Security Act", has significantly improved drug security and safety through

1 a system of pharmaceutical product track-and-trace procedures; and
2 (f) A wholesale drug importation program for the exclusive
3 benefit of Colorado residents should be designed and implemented to
4 provide Colorado consumers access to safe and less expensive
5 prescription drugs.

6 **SECTION 2.** In Colorado Revised Statutes, 25.5-1-201, **amend**
7 **(1) introductory portion, (1)(f), and (1)(g); and add (1)(h) as follows:**

8 **25.5-1-201. Programs to be administered by the department**
9 **of health care policy and financing. (1) ~~Programs to be administered~~**
10 **and functions to be performed by The department of health care policy**
11 **and financing shall be as follows ADMINISTER THE FOLLOWING PROGRAMS**
12 **AND PERFORM THE FOLLOWING FUNCTIONS:**

13 (f) The old age pension health and medical care program, as
14 specified in section 25.5-2-101; and

15 (g) Programs, services, and supports for persons with intellectual
16 and developmental disabilities, as specified in article 10 of this title TITLE
17 25.5; AND

18 (h) ANY PROGRAM CONCERNING THE WHOLESALE IMPORTATION OF
19 PRESCRIPTION DRUGS PURSUANT TO PART 2 OF ARTICLE 2.5 OF THIS TITLE
20 25.5.

21 **SECTION 3.** In Colorado Revised Statutes, **add** part 2 to article
22 2.5 of title 25.5 as follows:

23 PART 2

24 WHOLESALE IMPORTATION OF PRESCRIPTION DRUGS

25 **25.5-2.5-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
26 "COLORADO WHOLESALE IMPORTATION OF PRESCRIPTION DRUGS ACT".

27 **25.5-2.5-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "ACTUAL ACQUISITION COST" MEANS THE PRICE PAID FOR AN
3 IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCT BY A WHOLESALER
4 UNDER THE IMPORTATION PROGRAM.

5 (2) "CARRIER" HAS THE SAME MEANING AS SET FORTH IN SECTION
6 10-16-102 (8).

7 (3) "IMPORTATION PROGRAM" MEANS A PROGRAM ADMINISTERED
8 BY THE STATE DEPARTMENT IN ACCORDANCE WITH THIS PART 2.

9 (4) "LICENSED PROVIDER" MEANS A PERSON WHO IS LICENSED TO
10 PRESCRIBE PHARMACEUTICAL PRODUCTS TO CONSUMERS BY A HEALTH
11 CARE PRESCRIBER BOARD DESCRIBED IN SECTION 24-34-112 (1)(a).

12 (5) "SECRETARY" MEANS THE SECRETARY OF THE UNITED STATES
13 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

14 **25.5-2.5-203. Wholesale drug importation program - state**
15 **department to design program - program requirements.** (1) ON OR
16 BEFORE JULY 1, 2020, THE STATE DEPARTMENT, IN CONSULTATION WITH
17 RELEVANT STAKEHOLDERS AND FEDERAL AGENCIES, SHALL DESIGN AN
18 IMPORTATION PROGRAM TO IMPORT PRESCRIPTION PHARMACEUTICAL
19 PRODUCTS FROM ONE OR MORE LICENSED CANADIAN SUPPLIERS SOLELY
20 FOR DISTRIBUTION TO PARTICIPATING IN-STATE PHARMACIES AND OTHER
21 LICENSED PROVIDERS FOR THE EXCLUSIVE PURPOSE OF DISPENSING
22 PRESCRIPTION PHARMACEUTICAL PRODUCTS TO COLORADO RESIDENTS
23 WITH VALID PRESCRIPTIONS. IN DESIGNING THE IMPORTATION PROGRAM,
24 THE STATE DEPARTMENT SHALL ENSURE THAT THE IMPORTATION
25 PROGRAM SATISFIES THE REQUIREMENTS OF 21 U.S.C. SEC. 384. THE
26 STATE DEPARTMENT SHALL INCLUDE IN THE DESIGN OF THE IMPORTATION
27 PROGRAM INFORMATION INDICATING HOW THE IMPORTATION PROGRAM

1 WILL:

2 (a) DESIGNATE AN OFFICE OR DIVISION OF A STATE AGENCY THAT
3 SHALL BECOME A LICENSED PHARMACEUTICAL WHOLESALER OR
4 CONTRACT WITH A PHARMACEUTICAL WHOLESALER LICENSED PURSUANT
5 TO PART 3 OF ARTICLE 42.5 OF TITLE 12;

6 (b) ENSURE DRUG SAFETY AND COST SAVINGS FOR COLORADO
7 CONSUMERS;

8 (c) MEET THE REQUIREMENTS FOR WHOLESALER LICENSES IN
9 ACCORDANCE WITH PART 3 OF ARTICLE 42.5 OF TITLE 12;

10 (d) SELECT QUALIFIED CANADIAN PHARMACEUTICAL SUPPLIERS
11 THAT ARE LICENSED AND REGULATED UNDER CANADIAN NATIONAL OR
12 PROVINCIAL LAWS;

13 (e) SAMPLE IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCTS
14 FOR PURITY, CHEMICAL COMPOSITION, AND POTENCY TO THE EXTENT
15 REQUIRED BY FEDERAL LAW;

16 (f) DETERMINE WHICH PRESCRIPTION PHARMACEUTICAL PRODUCTS
17 WILL BE IMPORTED AND ENSURE THAT ALL IMPORTED PRODUCTS ARE
18 SIGNIFICANTLY LESS COSTLY TO COLORADO CONSUMERS THAN THE
19 EQUIVALENT UNITED STATES-LICENSED PRESCRIPTION PHARMACEUTICAL
20 PRODUCTS;

21 (g) ENSURE THAT IMPORTED PRESCRIPTION PHARMACEUTICAL
22 PRODUCTS ARE NOT DISTRIBUTED, DISPENSED, OR SOLD OUTSIDE OF
23 COLORADO;

24 (h) ENSURE THAT PARTICIPATING PHARMACIES AND OTHER
25 LICENSED PROVIDERS CHARGE INDIVIDUAL CONSUMERS, CARRIERS, AND
26 OTHER PAYERS NO MORE THAN THE LIMIT ESTABLISHED BY THE STATE
27 DEPARTMENT FOR EACH IMPORTED PRESCRIPTION PHARMACEUTICAL

1 PRODUCT;

2 (i) ENSURE THAT EACH PAYMENT MADE BY A CARRIER FOR
3 REIMBURSEMENT OF THE PRODUCT COMPONENT OF ANY CLAIM DOES NOT
4 EXCEED THE LIMIT ESTABLISHED BY THE STATE DEPARTMENT FOR THE
5 IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCT FOR WHICH THE
6 PAYMENT IS MADE;

7 (j) ENSURE THAT CARRIERS MAINTAIN UP-TO-DATE FORMULARIES
8 AND CLAIMS PAYMENT SYSTEMS FOR THEIR PARTICIPATING HEALTH PLANS
9 CONSISTENT WITH THE IMPORTATION PROGRAM;

10 (k) ENSURE THAT PARTICIPATING CARRIERS BASE THEIR HEALTH
11 PLAN COINSURANCE AND PATIENT COST-SHARING ON PRICES THAT ARE NO
12 HIGHER THAN THE LIMIT ESTABLISHED BY THE STATE DEPARTMENT FOR
13 EACH IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCT;

14 (l) ENSURE THAT PARTICIPATING CARRIERS DEMONSTRATE TO THE
15 STATE DEPARTMENT HOW SAVINGS ON IMPORTED PRESCRIPTION
16 PHARMACEUTICAL PRODUCTS ARE REFLECTED IN PREMIUMS FOR THE
17 CARRIERS' HEALTH PLANS;

18 (m) SET A MAXIMUM PROFIT MARGIN SO THAT A WHOLESALER,
19 DISTRIBUTOR, PHARMACY, OR OTHER LICENSED PROVIDER PARTICIPATING
20 IN THE IMPORTATION PROGRAM MAINTAINS A PROFIT MARGIN THAT IS NO
21 GREATER THAN THE PROFIT MARGIN THAT THE WHOLESALER,
22 DISTRIBUTOR, PHARMACY, OR OTHER LICENSED PROVIDER WOULD HAVE
23 EARNED ON THE EQUIVALENT NONIMPORTED DRUG;

24 (n) EXCLUDE GENERIC PRODUCTS IF THE IMPORTATION OF THE
25 PRODUCTS WOULD VIOLATE UNITED STATES PATENT LAWS APPLICABLE TO
26 UNITED STATES-BRANDED PRODUCTS;

27 (o) COMPLY WITH THE REQUIREMENTS OF 21 U.S.C. SEC. 360eee

1 TO 360eee-4 PERTAINING TO THE TRACK-AND-TRACE REQUIREMENTS AS
2 ENACTED IN TITLE II OF THE FEDERAL "DRUG QUALITY AND SECURITY
3 ACT", PUB.L. 113-54; AND

4 (p) DETERMINE A METHOD FOR COVERING THE ADMINISTRATIVE
5 COSTS OF THE IMPORTATION PROGRAM, WHICH METHOD MAY INCLUDE A
6 FEE IMPOSED ON EACH PRESCRIPTION PHARMACEUTICAL PRODUCT SOLD
7 THROUGH THE PROGRAM OR ANY OTHER APPROPRIATE METHOD AS
8 DETERMINED BY THE STATE DEPARTMENT, BUT THE STATE DEPARTMENT
9 SHALL NOT REQUIRE A FEE IN AN AMOUNT THAT THE STATE DEPARTMENT
10 DETERMINES WOULD SIGNIFICANTLY REDUCE CONSUMER SAVINGS.

11 =====
12 **25.5-2.5-204. Draft report - public meetings - final report -**

13 **repeal.** (1) ON OR BEFORE JULY 1, 2020, THE STATE DEPARTMENT SHALL:

14 (a) PREPARE AND PUBLICLY RELEASE A DRAFT REPORT THAT FULLY
15 DESCRIBES THE PROPOSED IMPORTATION PROGRAM AND ANY OTHER
16 IMPORTATION OPTIONS THE STATE DEPARTMENT MAY DESCRIBE; AND

17 (b) POST THE DRAFT REPORT ON ITS WEBSITE AND SUBMIT THE
18 DRAFT REPORT TO THE JOINT BUDGET COMMITTEE, THE HEALTH AND
19 HUMAN SERVICES COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE
20 AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES,
21 AND THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE OF
22 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

23 (2) NOT LESS THAN FIFTEEN DAYS NOR MORE THAN FORTY-FIVE
24 DAYS AFTER THE DATE THE STATE DEPARTMENT POSTS THE REPORT ON
25 THE STATE DEPARTMENT'S WEBSITE, THE STATE DEPARTMENT SHALL HOLD
26 AT LEAST TWO PUBLIC MEETINGS TO RECEIVE COMMENTS ON THE DRAFT
27 REPORT. AT LEAST ONE MEETING MUST BE HELD IN THE DENVER

1 METROPOLITAN AREA, AND AT LEAST ONE MEETING MUST BE HELD IN
2 WESTERN COLORADO.

3 (3) FOLLOWING THE PUBLIC MEETINGS REQUIRED BY SUBSECTION
4 (2) OF THIS SECTION, AND NO LATER THAN NOVEMBER 15, 2020, THE
5 STATE DEPARTMENT SHALL PREPARE AND PUBLICLY RELEASE A FINAL
6 REPORT THAT FULLY DESCRIBES THE IMPORTATION PROGRAM. THE STATE
7 DEPARTMENT SHALL POST THE FINAL REPORT ON ITS WEBSITE AND SUBMIT
8 THE FINAL REPORT TO THE JOINT BUDGET COMMITTEE, THE HEALTH AND
9 HUMAN SERVICES COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE
10 AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES,
11 AND THE HEALTH AND INSURANCE COMMITTEE OF THE HOUSE OF
12 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

13 (4) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 1, 2020.

14 **25.5-2.5-205. Request for secretary's approval - effect of**
15 **approval - notice to revisor of statutes.** (1) ON OR BEFORE JANUARY 1,
16 2021, THE EXECUTIVE DIRECTOR SHALL SUBMIT A FORMAL REQUEST TO
17 THE SECRETARY FOR REVIEW AND APPROVAL OF THE IMPORTATION
18 PROGRAM. THE EXECUTIVE DIRECTOR SHALL PROVIDE INFORMATION
19 REQUESTED BY THE SECRETARY DURING THE SECRETARY'S REVIEW. THE
20 EXECUTIVE DIRECTOR MAY MODIFY THE IMPORTATION PROGRAM DESIGN
21 AS REQUIRED BY THE SECRETARY SO LONG AS THE MODIFICATIONS ARE
22 CONSISTENT WITH THIS PART 2.

23 (2) SECTIONS 25.5-2.5-206 TO 25.5-2.5-209 TAKE EFFECT IF THE
24 SECRETARY APPROVES THE IMPORTATION PROGRAM BY DETERMINING
25 THAT THE IMPORTATION PROGRAM COMPLIES WITH 21 U.S.C. SEC. 384.
26 THE EXECUTIVE DIRECTOR SHALL NOTIFY THE REVISOR OF STATUTES IN
27 WRITING THAT THE SECRETARY HAS APPROVED THE IMPORTATION

1 PROGRAM BY E-MAILING THE NOTICE TO
2 REVISOROFSTATUTES.GA@STATE.CO.US. SECTIONS 25.5-2.5-206 TO
3 25.5-2.5-209 TAKE EFFECT ON:

4 (a) THE DATE SPECIFIED IN THE EXECUTIVE DIRECTOR'S NOTICE TO
5 THE REVISOR OF STATUTES THAT THE SECRETARY HAS APPROVED THE
6 IMPORTATION PROGRAM; OR

7 (b) THE DATE OF SAID NOTICE IF THE NOTICE DOES NOT SPECIFY A
8 DIFFERENT DATE.

9 **25.5-2.5-206. Importation program authorized - rules.**

10 (1) UPON APPROVAL BY THE SECRETARY, IN ACCORDANCE WITH SECTION
11 25.5-2.5-205, THE STATE DEPARTMENT SHALL ADMINISTER AN
12 IMPORTATION PROGRAM.

13 (2) THE STATE DEPARTMENT SHALL APPROVE A METHOD OF
14 FINANCING THE ADMINISTRATIVE COSTS OF THE IMPORTATION PROGRAM,
15 WHICH METHOD MAY INCLUDE IMPOSING A FEE ON EACH PRESCRIPTION
16 PHARMACEUTICAL PRODUCT SOLD THROUGH THE IMPORTATION PROGRAM
17 OR ANY OTHER APPROPRIATE METHOD DETERMINED BY THE STATE
18 DEPARTMENT TO FINANCE ADMINISTRATIVE COSTS. THE STATE
19 DEPARTMENT SHALL NOT REQUIRE A FEE IN AN AMOUNT THAT THE STATE
20 DEPARTMENT DETERMINES WOULD SIGNIFICANTLY REDUCE CONSUMER
21 SAVINGS.

22 (3) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES, IN
23 ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AND SECTION 25.5-1-108, AS
24 NECESSARY FOR THE ADMINISTRATION OF THIS PART 2.

25 **25.5-2.5-207. Importation program implementation.** (1) TO
26 IMPLEMENT THE IMPORTATION PROGRAM, THE STATE DEPARTMENT SHALL:

27 (a) BASED ON THE RELEVANT CRITERIA CONTAINED IN THE

1 IMPORTATION PROGRAM DESIGN, DEVELOP AND ISSUE A REQUEST FOR
2 PROPOSALS FROM ONE OR MORE PHARMACEUTICAL WHOLESALERS
3 LICENSED BY THE STATE BOARD OF PHARMACY IN ACCORDANCE WITH PART
4 3 OF ARTICLE 42.5 OF TITLE 12. THE STATE DEPARTMENT SHALL SELECT
5 THE LICENSED PHARMACEUTICAL WHOLESALERS BEST SUITED TO IMPORT
6 PRESCRIPTION PHARMACEUTICAL PRODUCTS UNDER THE IMPORTATION
7 PROGRAM. IN ADDITION TO ANY OTHER TERMS REQUIRED BY THE STATE
8 DEPARTMENT, A WHOLESALER SHALL AGREE TO:

9 (I) DEVELOP A REGISTRATION SYSTEM TO ENROLL DISTRIBUTORS,
10 PHARMACIES AND OTHER LICENSED PROVIDERS, AND CARRIERS IN THE
11 IMPORTATION PROGRAM;

12 (II) ESTABLISH AN OUTREACH AND MARKETING PLAN TO FOSTER
13 PUBLIC AWARENESS OF THE IMPORTATION PROGRAM; AND

14 (III) ESTABLISH A TELEPHONE HOTLINE AND CREATE AN INTERNET
15 PORTAL TO ADDRESS QUESTIONS REGARDING THE IMPORTATION PROGRAM
16 AND TO ASSIST PHARMACIES, OTHER LICENSED PROVIDERS, AND CARRIERS
17 IN REGISTERING FOR THE IMPORTATION PROGRAM.

18 (b) REQUIRE PARTICIPATING PHARMACIES OR OTHER LICENSED
19 PROVIDERS TO CONTRACT DIRECTLY WITH THE PHARMACEUTICAL
20 WHOLESALERS SELECTED BY THE STATE DEPARTMENT;

21 (c) REQUIRE PARTICIPATING CANADIAN SUPPLIERS TO CONTRACT
22 DIRECTLY WITH THE PHARMACEUTICAL WHOLESALERS SELECTED BY THE
23 STATE DEPARTMENT; AND

24 (d) ESTABLISH AND MAKE PUBLICLY AVAILABLE THE INITIAL LIST
25 OF IMPORTED PRESCRIPTION PHARMACEUTICAL PRODUCTS COVERED BY
26 THE IMPORTATION PROGRAM AND THE ACTUAL ACQUISITION COST FOR
27 EACH LISTED PRESCRIPTION PHARMACEUTICAL PRODUCT. AT ANY TIME,

1 THE STATE DEPARTMENT MAY ADD TO OR REMOVE FROM THE
2 IMPORTATION PROGRAM PRESCRIPTION PHARMACEUTICAL PRODUCTS. THE
3 STATE DEPARTMENT SHALL UPDATE THE PUBLIC LIST OF INCLUDED
4 PRODUCTS AT LEAST QUARTERLY.

5 **25.5-2.5-208. Report to the general assembly.**

6 (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR BEFORE
7 JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER, THE EXECUTIVE
8 DIRECTOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE,
9 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE
10 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES, AND THE HEALTH AND INSURANCE COMMITTEE OF THE
12 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

13 (2) THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION
14 MUST INCLUDE THE FOLLOWING:

15 (a) THE SPECIFIC PRESCRIPTION PHARMACEUTICAL PRODUCTS
16 IMPORTED THROUGH THE IMPORTATION PROGRAM;

17 (b) THE NUMBER OF WHOLESALERS, DISTRIBUTORS, PHARMACIES
18 AND OTHER LICENSED PROVIDERS, AND CARRIERS THAT ARE
19 PARTICIPATING IN THE IMPORTATION PROGRAM;

20 (c) THE NUMBER OF IMPORTED PRESCRIPTION PHARMACEUTICAL
21 PRODUCTS DISPENSED AND SOLD THROUGH THE IMPORTATION PROGRAM;

22 (d) THE ESTIMATED SAVINGS TO CONSUMERS, CARRIERS, AND
23 EMPLOYERS RESULTING FROM THE IMPORTATION PROGRAM;

24 (e) THE INFORMATION COLLECTED PURSUANT TO SECTION
25 25.5-2.5-209; AND

26 (f) ANY OTHER INFORMATION THE STATE DEPARTMENT DEEMS
27 RELEVANT.

1 **25.5-2.5-209. Monitoring anticompetitive behavior.** THE STATE
2 DEPARTMENT SHALL, IN CONSULTATION WITH THE ATTORNEY GENERAL,
3 IDENTIFY THE POTENTIAL FOR ANTICOMPETITIVE BEHAVIOR IN THE
4 PHARMACEUTICAL INDUSTRY AND OTHER HEALTH CARE INDUSTRIES THAT
5 ARE AFFECTED BY THE IMPORTATION PROGRAM. THE STATE DEPARTMENT
6 SHALL INCLUDE INFORMATION CONCERNING POTENTIAL ANTICOMPETITIVE
7 BEHAVIOR IN THE REPORT REQUIRED BY SECTION 25.5-2.5-208.

8 **SECTION 4.** In Colorado Revised Statutes, **amend** 25.5-2.5-101
9 as follows:

10 **25.5-2.5-101. Short title.** THE SHORT TITLE OF THIS ~~article shall be~~
11 ~~known and may be cited as~~ PART 1 IS THE "Colorado Cares Rx Act".

12 **SECTION 5.** In Colorado Revised Statutes, 25.5-2.5-103, **amend**
13 (3) as follows:

14 **25.5-2.5-103. Lower-cost prescription drugs - information -**
15 **research - reporting.** (3) The state department shall report annually to
16 the PUBLIC HEALTH CARE AND HUMAN SERVICES ~~committees~~ COMMITTEE OF
17 the house of representatives and THE HEALTH AND HUMAN SERVICES
18 COMMITTEE OF the senate, or any successor committees, concerning the
19 provisions of this ~~article~~ PART 1.

20 **SECTION 6. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.