A BILL FOR AN ACT

CONCERNING A REQUIREMENT TO SHARE THE WHOLESALE ACQUISITION COST OF A DRUG WHEN SHARING INFORMATION CONCERNING THE DRUG WITH ANOTHER PARTY.

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 requires a drug manufacturer or wholesaler, or an agent or an employee of the manufacturer or wholesaler, to provide, in writing, the wholesale acquisition cost of a prescription drug to an entity or individual with whom the manufacturer, wholesaler, agent, or employee is sharing information concerning the drug.

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.
The bill also requires the drug manufacturer or wholesaler, or an agent or employee of the manufacturer or wholesaler, to provide educational materials about the acquisition costs of other prescription drugs in the same therapeutic class.

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

SECTION 1. In Colorado Revised Statutes, add 12-42.5-308 as follows:

12-42.5-308. Manufacturer, wholesaler, agent, employee - drug cost information - required - definition. (1) A MANUFACTURER OR WHOLESALER, OR AN AGENT OR EMPLOYEE OF A MANUFACTURER OR WHOLESALER, SHALL PROVIDE TO A PERSON, IN WRITING, THE WHOLESALE ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF CONDUCTING BUSINESS, THE MANUFACTURER, WHOLESALER, AGENT, OR EMPLOYEE PROVIDES INFORMATION CONCERNING THE DRUG TO THE PERSON.

(2) (a) WHEN PROVIDING THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS SECTION, A MANUFACTURER OR WHOLESALER, OR AN AGENT OR EMPLOYEE OF A MANUFACTURER OR WHOLESALER, SHALL ALSO DISSEMINATE EDUCATIONAL MATERIALS CONCERNING THE WHOLESALE ACQUISITION COSTS OF OTHER PRESCRIPTION DRUGS THAT ARE IN THE SAME THERAPEUTIC CLASS.

(b) FOR THE PURPOSE OF THIS SECTION, "THERAPEUTIC CLASS" MEANS A GROUP OF SIMILAR DRUGS THAT HAVE THE SAME OR SIMILAR MECHANISMS OF ACTION AND ARE USED TO TREAT A SPECIFIC CONDITION.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August
2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.