

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 19-0588.01 Kristen Forrestal x4217

**HOUSE BILL 19-1131**

**HOUSE SPONSORSHIP**

**Jaquez Lewis,** Bird, Buentello, Caraveo, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Herod, Kennedy, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Valdez A., Weissman

**SENATE SPONSORSHIP**

**Winter,** Bridges, Crowder, Priola, Smallwood, Tate

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**House Committees**  
Health & Insurance

**Senate Committees**  
Health & Human Services

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**A BILL FOR AN ACT**

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

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**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.*

SENATE  
3rd Reading Unamended  
March 29, 2019

SENATE  
Amended 2nd Reading  
March 28, 2019

HOUSE  
3rd Reading Unamended  
March 4, 2019

HOUSE  
Amended 2nd Reading  
March 1, 2019

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

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

4 **12-42.5-308. Manufacturer, agent, representative, employee**  
5 **- drug cost information - required - definitions.** (1) A MANUFACTURER,  
6 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, WHO  
7 WHILE EMPLOYED BY OR UNDER CONTRACT TO REPRESENT A  
8 MANUFACTURER ENGAGES IN PRESCRIPTION DRUG MARKETING, SHALL  
9 PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE ACQUISITION  
10 COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF CONDUCTING  
11 BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT, OR EMPLOYEE  
12 PROVIDES INFORMATION CONCERNING THE DRUG TO THE PRESCRIBER.

13 ==

14 (2) FOR THE PURPOSES OF THIS SECTION:

15 (a) "PRESCRIBER" MEANS A HEALTH CARE PROVIDER LICENSED  
16 PURSUANT TO THIS TITLE 12 WHO IS AUTHORIZED TO PRESCRIBE  
17 CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS.

18 (b) "PRESCRIPTION DRUG MARKETING" MEANS ANY ACTIVITY  
19 UNDERTAKEN WITH THE INTENT TO SELL A PRESCRIPTION DRUG THAT MAY  
20 INCLUDE IN-PERSON MEETINGS, PHYSICAL MAILINGS, TELEPHONIC  
21 CONVERSATIONS, VIDEO CONFERENCING, ELECTRONIC MAILING OR  
22 TEXTING, OR FACSIMILE TRANSMISSIONS THAT PROVIDES EDUCATIONAL OR  
23 MARKETING INFORMATION OR MATERIALS REGARDING A PRESCRIPTION

1 DRUG.

2 ==

3 **SECTION 2.** In Colorado Revised Statutes, **add to article 280**  
4 **as relocated by House Bill 19-1172 12-280-308** as follows:

5 **12-280-308. Manufacturer, agent, representative, employee -**  
6 **drug cost information - required - definitions.** (1) A MANUFACTURER,  
7 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, WHO  
8 WHILE EMPLOYED BY OR UNDER CONTRACT TO REPRESENT A  
9 MANUFACTURER ENGAGES IN PRESCRIPTION DRUG MARKETING, SHALL  
10 PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE ACQUISITION  
11 COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF CONDUCTING  
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13 PROVIDES INFORMATION CONCERNING THE DRUG TO THE PRESCRIBER.

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22 CONVERSATIONS, VIDEO CONFERENCING, ELECTRONIC MAILING OR  
23 TEXTING, OR FACSIMILE TRANSMISSIONS THAT PROVIDES EDUCATIONAL OR  
24 MARKETING INFORMATION OR MATERIALS REGARDING A PRESCRIPTION  
25 DRUG.

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27 **SECTION 3. Act subject to petition - effective date.** (1) Except

1 as otherwise provided in subsection (2) of this section, this act takes  
2 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
3 period after final adjournment of the general assembly (August 2, 2019,  
4 if adjournment sine die is on May 3, 2019); except that, if a referendum  
5 petition is filed pursuant to section 1 (3) of article V of the state  
6 constitution against this act or an item, section, or part of this act within  
7 such period, then the act, item, section, or part will not take effect unless  
8 approved by the people at the general election to be held in November  
9 2020 and, in such case, will take effect on the date of the official  
10 declaration of the vote thereon by the governor.

11 (2) Section 2 of this act takes effect only if House Bill 19-1172  
12 becomes law, in which case section 2 takes effect October 1, 2019.