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.

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, agent, representative, employee - drug cost information - required - definitions. (1) A manufacturer, or a representative, agent, or employee of a manufacturer, who while employed by or under contract to represent a manufacturer engages in prescription drug marketing, shall provide to a prescriber, in writing, the wholesale acquisition cost of a prescription drug when, in the course of conducting business, the manufacturer, representative, agent, or employee provides information concerning the drug to the prescriber.

(2) For the purposes of this section:

(a) "Prescriber" means a health care provider licensed pursuant to this title 12 who is authorized to prescribe controlled substances or prescription drugs.

(b) "Prescription drug marketing" means any activity undertaken with the intent to sell a prescription drug that may include in-person meetings, physical mailings, telephonic conversations, video conferencing, electronic mailing or texting, or facsimile transmissions that provides educational or marketing information or materials regarding a prescription
SECTION 2. In Colorado Revised Statutes, add to article 280 as relocated by House Bill 19-1172 12-280-308 as follows:

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

(2) For the purposes of this section:

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

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

SECTION 3. Act subject to petition - effective date. (1) Except
as otherwise provided in subsection (2) of this section, 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.

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