

**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. 19-0588.01 Kristen Forrestal x4217

**HOUSE BILL 19-1131**

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**HOUSE SPONSORSHIP**

**Jaquez Lewis,**

**SENATE SPONSORSHIP**

**Winter,**

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**House Committees**  
Health & Insurance

**Senate Committees**

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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.

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,  
7 SHALL PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE  
8 ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF  
9 CONDUCTING BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT,  
10 OR EMPLOYEE PROVIDES INFORMATION CONCERNING THE DRUG TO THE  
11 PRESCRIBER.

12 (2) (a) WHEN PROVIDING THE INFORMATION REQUIRED BY  
13 SUBSECTION (1) OF THIS SECTION, A MANUFACTURER, OR A  
14 REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, SHALL  
15 ALSO DISSEMINATE THE NAMES AND WHOLESALE ACQUISITION COSTS OF  
16 AT LEAST THREE GENERIC PRESCRIPTION DRUGS FROM THE SAME  
17 THERAPEUTIC CLASS, OR IF THREE ARE NOT AVAILABLE, AS MANY AS ARE  
18 AVAILABLE FOR PRESCRIPTIVE USE.

19 (b) FOR THE PURPOSES OF THIS SECTION:

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

23 (II) "THERAPEUTIC CLASS" MEANS A GROUP OF SIMILAR DRUGS

1 THAT HAVE THE SAME OR SIMILAR MECHANISMS OF ACTION AND ARE USED  
2 TO TREAT A SPECIFIC CONDITION.

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,  
8 SHALL PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESALE  
9 ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF  
10 CONDUCTING BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT,  
11 OR EMPLOYEE PROVIDES INFORMATION CONCERNING THE DRUG TO THE  
12 PRESCRIBER.

13 (2) (a) WHEN PROVIDING THE INFORMATION REQUIRED BY  
14 SUBSECTION (1) OF THIS SECTION, A MANUFACTURER, OR A  
15 REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, SHALL  
16 ALSO DISSEMINATE THE NAMES AND WHOLESALE ACQUISITION COSTS OF  
17 AT LEAST THREE GENERIC PRESCRIPTION DRUGS FROM THE SAME  
18 THERAPEUTIC CLASS, OR IF THREE ARE NOT AVAILABLE, AS MANY AS ARE  
19 AVAILABLE FOR PRESCRIPTIVE USE.

20 (b) FOR THE PURPOSES OF THIS SECTION:

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

24 (II) "THERAPEUTIC CLASS" MEANS A GROUP OF SIMILAR DRUGS  
25 THAT HAVE THE SAME OR SIMILAR MECHANISMS OF ACTION AND ARE USED  
26 TO TREAT A SPECIFIC CONDITION.

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.