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

(b) FOR THE PURPOSES OF THIS SECTION:

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

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

(b) FOR THE PURPOSES OF THIS SECTION:

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

(II) "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 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.