

CHAPTER 71

HEALTH AND ENVIRONMENT

HOUSE BILL 98-1360

BY REPRESENTATIVES Owen, Grampsas, Romero, Mace, Nichol, Reeser, Saliman, Tool, and Tupa;
also SENATORS Rizzuto, Blickensderfer, Lacy, Bishop, Feeley, Hernandez, Hopper, J. Johnson, Linkhart, Martinez, Pascoe,
Perlmutter, Phillips, Reeves, Rupert, and Wham.

AN ACT

CONCERNING THE AUTHORIZATION OF THE DRUG ASSISTANCE COMPONENT OF THE FEDERAL "RYAN
WHITE C.A.R.E. ACT OF 1990", AS AMENDED.

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

SECTION 1. Part 14 of article 4 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-4-1411. AIDS drug assistance program - legislative declaration - no entitlement created. (1) (a) THE GENERAL ASSEMBLY RECOGNIZES THAT MEDICAL SCIENCE IS MAKING STRIDES IN TREATING PERSONS WHO HAVE AIDS OR HIV. THE GENERAL ASSEMBLY RECOGNIZES THAT NEW PHARMACEUTICAL PRODUCTS HAVE BEEN DEVELOPED THAT DELAY THE DEBILITATING EFFECTS OF AIDS AND HIV, THEREBY ALLOWING HIV-INFECTED PERSONS TO MAINTAIN A HIGHER QUALITY OF LIFE AND REMAIN PRODUCTIVE. THE GENERAL ASSEMBLY ALSO RECOGNIZES THAT MANY PERSONS WITH AIDS MAY EVENTUALLY HAVE THEIR MEDICAL BILLS PAID THROUGH SOME FORM OF GOVERNMENT ASSISTANCE. THE GENERAL ASSEMBLY FINDS THAT THE STATE WILL RECOGNIZE A SAVINGS IN MEDICAL ASSISTANCE IF PERSONS WITH HIV CAN REMAIN WORKING LONGER.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THIS SECTION IS TO IMPLEMENT THE DRUG TREATMENT COMPONENT OF THE FEDERAL "RYAN WHITE C.A.R.E. ACT OF 1990", AS AMENDED, BY CREATING THE AIDS DRUG ASSISTANCE PROGRAM TO PROVIDE CERTAIN PHARMACEUTICAL PRODUCTS TO QUALIFYING LOW-INCOME PERSONS WHO HAVE AIDS OR HIV.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ESTABLISH ANY ENTITLEMENT TO SERVICES FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IS AUTHORIZED TO IMPLEMENT AND ADMINISTER AN AIDS DRUG ASSISTANCE PROGRAM, REFERRED TO IN THIS SECTION AS THE "STATE PROGRAM", TO PROVIDE PHARMACEUTICAL PRODUCTS TO TREAT HIV DISEASE OR PREVENT THE SERIOUS DETERIORATION OF HEALTH ARISING FROM HIV DISEASE IN ELIGIBLE INDIVIDUALS. THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEYS FROM THE GENERAL FUND TO PURCHASE PHARMACEUTICAL PRODUCTS FOR PERSONS PARTICIPATING IN THE STATE PROGRAM. THE STATE PROGRAM SHALL ALSO BE FUNDED WITH FEDERAL FUNDS AVAILABLE UNDER THE FEDERAL "RYAN WHITE C.A.R.E. ACT OF 1990", AS AMENDED.

(3) TO BE ELIGIBLE TO PARTICIPATE IN THE STATE PROGRAM, AN INDIVIDUAL SHALL HAVE:

(a) A MEDICAL DIAGNOSIS OF HIV DISEASE;

(b) AN INCOME THAT IS NOT MORE THAN ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL;

(c) A PRESCRIPTION FROM AN AUTHORIZED PROVIDER FOR A PHARMACEUTICAL PRODUCT OR COMBINATION OF PHARMACEUTICAL PRODUCTS THAT ARE INCLUDED ON THE DRUG FORMULARY FOR THE STATE PROGRAM.

(4) A SUBCOMMITTEE OF AN ADVISORY GROUP CONVENED BY THE GOVERNOR TO MAKE RECOMMENDATIONS FOR AIDS POLICY IN THE STATE SHALL SERVE IN AN ADVISORY ROLE TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN IMPLEMENTING THE STATE PROGRAM AND SHALL ADVISE AND RECOMMEND TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WHAT PHARMACEUTICAL PRODUCTS SHOULD BE LISTED ON THE DRUG FORMULARY FOR THE STATE PROGRAM.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 6, 1998