

CHAPTER 229

INSURANCE

HOUSE BILL 10-1355

BY REPRESENTATIVE(S) Gagliardi, Merrifield, Apuan, Court, Fischer, Gerou, Kefalas, Kerr J., Labuda, Primavera, Riesberg, Schafer S., Soper, Todd, Vigil;
also SENATOR(S) Kopp, Foster, Hodge, Kester, Tochtrop.

AN ACT

CONCERNING THE OFF-LABEL USE OF A PRESCRIPTION DRUG FOR A SPECIFIC TYPE OF CANCER FOR WHICH THE DRUG IS RECOGNIZED FOR TREATMENT IN THE REFERENCE COMPENDIA AS IDENTIFIED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

SECTION 1. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-104.6. Off-label use of cancer drugs. (1) A HEALTH BENEFIT PLAN THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL NOT LIMIT OR EXCLUDE COVERAGE FOR ANY DRUG APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR USE IN THE TREATMENT OF CANCER ON THE BASIS THAT THE DRUG HAS NOT BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF THE SPECIFIC TYPE OF CANCER FOR WHICH THE DRUG IS PRESCRIBED IF:

(a) THE DRUG IS RECOGNIZED FOR TREATMENT OF THAT CANCER IN THE AUTHORITATIVE REFERENCE COMPENDIA AS IDENTIFIED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND

(b) THE TREATMENT IS FOR A COVERED CONDITION.

SECTION 2. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section

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

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 shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 17, 2010