

HB1131\_L.005

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.HB19-1131 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 12-42.5-308 as  
4 follows:

5 **12-42.5-308. 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 WHOLESAL  
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 EDUCATIONAL MATERIALS CONCERNING THE  
17 WHOLESAL ACQUISITION COSTS OF AT LEAST THREE OTHER PRESCRIPTION  
18 DRUGS FROM THE SAME THERAPEUTIC CLASS, OR IF THREE ARE NOT  
19 AVAILABLE, AS MANY AS ARE 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 2.** In Colorado Revised Statutes, add to article 280  
28 as relocated by House Bill 19-1172 12-280-308 as follows:

29 **12-280-308. Manufacturer, agent, representative, employee -**  
30 **drug cost information - required - definitions.** (1) A MANUFACTURER,  
31 OR A REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER,  
32 SHALL PROVIDE TO A PRESCRIBER, IN WRITING, THE WHOLESAL  
33 ACQUISITION COST OF A PRESCRIPTION DRUG WHEN, IN THE COURSE OF  
34 CONDUCTING BUSINESS, THE MANUFACTURER, REPRESENTATIVE, AGENT,  
35 OR EMPLOYEE PROVIDES INFORMATION CONCERNING THE DRUG TO THE  
36 PRESCRIBER.

37 (2) (a) WHEN PROVIDING THE INFORMATION REQUIRED BY  
38 SUBSECTION (1) OF THIS SECTION, A MANUFACTURER, OR A  
39 REPRESENTATIVE, AGENT, OR EMPLOYEE OF A MANUFACTURER, SHALL  
40 ALSO DISSEMINATE EDUCATIONAL MATERIALS CONCERNING THE

1 WHOLESALE ACQUISITION COSTS OF AT LEAST THREE OTHER PRESCRIPTION  
2 DRUGS FROM THE SAME THERAPEUTIC CLASS, OR IF THREE ARE NOT  
3 AVAILABLE, AS MANY AS ARE AVAILABLE FOR PRESCRIPTIVE USE.

4 (b) FOR THE PURPOSES OF THIS SECTION:

5 (I) "PRESCRIBER" MEANS A HEALTH CARE PROVIDER LICENSED  
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7 CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS.

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

11 **SECTION 3. Act subject to petition - effective date.** (1) Except  
12 as otherwise provided in subsection (2) of this section, this act takes  
13 effect at 12:01 a.m. on the day following the expiration of the ninety-day  
14 period after final adjournment of the general assembly (August 2, 2019,  
15 if adjournment sine die is on May 3, 2019); except that, if a referendum  
16 petition is filed pursuant to section 1 (3) of article V of the state  
17 constitution against this act or an item, section, or part of this act within  
18 such period, then the act, item, section, or part will not take effect unless  
19 approved by the people at the general election to be held in November  
20 2020 and, in such case, will take effect on the date of the official  
21 declaration of the vote thereon by the governor.

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

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