



Dear Members,

On behalf of the below signed organizations and the thousands of Coloradans we represent, please consider voting NO on HB23-1225 – Extend and Modify Prescription Drug Affordability Review Board. This bill seeks to remove significant guardrails to a divisive bill that passed the General Assembly less than 2 years ago. In fact, we have yet to see any impact from the creation of this board, apart from costs to the state. The state needs to give the board time to work under the structure created in 2021, rather than make additional changes prematurely.

We share your concerns related to the high cost of prescription medicines that too often are unaffordable for patients – even those with health insurance. However, we remain concerned that giving an unelected board the authority to set drug prices (in the form of an Upper Payment Limit or UPL) may result in dangerous unintended consequences without guaranteeing lower prices for patients at the pharmacy counter.

As we understand it, the Prescription Drug Affordability Board has already faced some timing setbacks and additional expenses that were not originally anticipated. In fact, a recent request for an additional \$260,000 of taxpayer dollars was just approved by the Joint Budget Committee in February. It seems counter-intuitive to modify this law until we have seen if it can lower drug prices for consumers and taxpayers when it has so far, failed to do so.

We are particularly concerned with three provisions of HB23-1225 that would provide the PDAB with greater authority without any proven success. The first, allows the board to consider any drug brought by an individual to be considered for a UPL. The second, would remove the UPL being applied to only 12 drugs for the first three years of the program. Instead, the board could set a UPL on any number of drugs. The third, would *double* the UPL sunset from five years to ten. We encourage the legislature to

maintain your vigorous oversight responsibilities for this experimental board and *not* lengthen the sunset provision.

We remain committed to working with you to find solutions for patients to access the lifesaving medications that improve their quality of life. However, we are concerned the current PDAB could reduce access to medications deemed unaffordable by this unelected board. Additionally, what impact will this have on our hospitals, physicians, and pharmacists? Will they maintain access to cutting-edge treatments for their patients or will they have fewer options for care? These concerns were expressed by dozens of hospitals, providers and the Colorado Pharmacists Society when the original law (SB 21-175) was passed. These same groups continue to express the same concerns through the PDAB regulatory process because the Board has not solved for how to prevent access issues for drugs subject to a UPL.

With so many questions and variables still unanswered, we respectfully ask the legislature to press pause on HB23-1225. There should be no rush to pass a second PDAB bill before we know if the PDAB put in place with the original bill will even lower the cost of drugs for patients at the counter.

Sincerely,

The Aurora Chamber of Commerce

AC-REP – Invested in Greater Adams County

Colorado BioScience Association

Colorado Competitive Council

Colorado Women's Alliance

The Denver Chamber of Commerce

Grand Junction Area Chamber of Commerce

ICAN, International Cancer Advocacy Network

Lupus Colorado

Michael Lee, Parent of Child with Duchenne Muscular Dystrophy

National Scleroderma Foundation Rocky Mountain Chapter

PRO 15

Westminster Chamber of Commerce

SLC6A1 Research and Support