

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
Date

May 19, 2021

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB21-1307 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, lines 13 and 14, strike "10-16-151.3 and  
2 10-16-151.5" and substitute "12-280-137 and 12-280-138".
- 3 Page 2, line 15, strike "**10-16-151.3.**" and substitute "**12-280-137.**".
- 4 Page 2, line 17, strike "10-16-151.5," and substitute "12-280-138,".
- 5 Page 2, after line 22 insert:
  - 6 "(b) "DIVISION OF INSURANCE" MEANS THE DIVISION OF  
7 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, CREATED IN  
8 SECTION 10-1-103."
- 9 Reletter succeeding paragraphs accordingly.
- 10 Page 3, line 8, strike "ARTICLE 280 OF TITLE 12" and substitute "THIS  
11 ARTICLE 280".
- 12 Page 3, line 19, strike "THE" and substitute "EFFECTIVE JANUARY 1, 2022,  
13 THE".
- 14 Page 3, lines 19 and 20, strike "IN THE DIVISION".
- 15 Page 3, line 20, after the period add "BY JANUARY 1, 2022, EACH



1 MANUFACTURER SHALL ESTABLISH PROCEDURES TO MAKE INSULIN  
2 AVAILABLE IN ACCORDANCE WITH THIS SECTION TO ELIGIBLE INDIVIDUALS  
3 WHO NEED ACCESS TO AN AFFORDABLE INSULIN SUPPLY."

4 Page 5, line 5, after "(b)" insert "THE PHARMACIST IS ENCOURAGED TO  
5 INFORM THE INDIVIDUAL THAT THEY MAY BE ELIGIBLE FOR THE  
6 "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5,  
7 OR AN AFFORDABLE INSURANCE PRODUCT ON THE STATE-BASED  
8 MARKETPLACE.

9 (c)".

10 Page 5, line 13, strike "(8)(c)" and substitute "(8)(d)".

11 Page 5, after line 22 insert:

12 (b) BY JANUARY 1, 2022, EACH MANUFACTURER SHALL DEVELOP  
13 A PROCESS FOR A PHARMACY TO SUBMIT AN ELECTRONIC CLAIM FOR  
14 REIMBURSEMENT AS PROVIDED IN SUBSECTION (8)(a) OF THIS SECTION."

15 Reletter succeeding paragraphs accordingly.

16 Page 5, line 26, strike "SHALL" and substitute "SHALL, WITHIN THIRTY  
17 DAYS AFTER RECEIPT OF THE CLAIM,".

18 Page 6, after line 18 insert:

19 (10) A MANUFACTURER'S REIMBURSEMENT PURSUANT TO  
20 SUBSECTION (8)(b) OF THIS SECTION IS NOT A KICKBACK.

21 (11) A MANUFACTURER THAT FAILS TO COMPLY WITH THE  
22 REQUIREMENTS OF THIS SECTION IS SUBJECT TO A FINE OF TEN THOUSAND  
23 DOLLARS FOR EACH MONTH OF NONCOMPLIANCE."

24 Page 6, line 19, strike "**10-16-151.5.**" and substitute "**12-280-138.**".

25 Page 6, line 20, strike "(1) AN" and substitute "(1) (a) EFFECTIVE  
26 JANUARY 1, 2022, AN".

27 Page 6, after line 25 insert:

28 (b) BY JANUARY 1, 2022, EACH MANUFACTURER SHALL  
29 ESTABLISH PROCEDURES TO MAKE INSULIN AVAILABLE IN ACCORDANCE  
30 WITH THIS SECTION TO ELIGIBLE INDIVIDUALS WHO NEED ACCESS TO AN  
31 EMERGENCY PRESCRIPTION INSULIN SUPPLY."



1 Page 8, line 1, strike "(6)(c)" and substitute "(6)(d)".

2 Page 8, after line 10 insert:

3 "(b) BY JANUARY 1, 2022, EACH MANUFACTURER SHALL DEVELOP  
4 A PROCESS FOR A PHARMACY TO SUBMIT AN ELECTRONIC CLAIM FOR  
5 REIMBURSEMENT AS PROVIDED IN SUBSECTION (6)(a) OF THIS SECTION."

6 Reletter succeeding paragraphs accordingly.

7 Page 8, line 14, strike "SHALL" and substitute "SHALL, WITHIN THIRTY  
8 DAYS AFTER RECEIPT OF THE CLAIM,".

9 Page 9, after line 3 insert:

10 "(8) A MANUFACTURER'S REIMBURSEMENT PURSUANT TO  
11 SUBSECTION (6)(b) OF THIS SECTION IS NOT A KICKBACK.

12 (9) A MANUFACTURER THAT FAILS TO COMPLY WITH THE  
13 REQUIREMENTS OF THIS SECTION IS SUBJECT TO A FINE OF TEN THOUSAND  
14 DOLLARS FOR EACH MONTH OF NONCOMPLIANCE."

15 After "DIVISION" insert "OF INSURANCE" on: **Page 4**, lines 8, 13, and 15;  
16 **Page 6**, line 15; **Page 7**, line 7; and **Page 8**, line 26.

\*\* \*\* \*\* \*\* \*\*

