

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0742.01 Richard Sweetman x4333

SENATE BILL 20-119

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SENATE SPONSORSHIP

Ginal,

HOUSE SPONSORSHIP

Jaquez Lewis,

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Senate Committees  
Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING EXPANDING THE CANADIAN PRESCRIPTION DRUG  
102 IMPORTATION PROGRAM TO INCLUDE PRESCRIPTION DRUG  
103 SUPPLIERS FROM NATIONS OTHER THAN CANADA UPON THE  
104 ENACTMENT OF LEGISLATION BY THE UNITED STATES CONGRESS  
105 AUTHORIZING SUCH PRACTICE.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

In 2019, the Colorado general assembly enacted, and the governor subsequently signed into law, the Canadian prescription drug importation

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

program (program) in the department of health care policy and financing (department). The department is directed to request approval of the program on or before September 1, 2020, from the United States secretary of health and human services and to implement the program upon receipt of approval.

The bill states that the department may expand the program to allow a manufacturer, wholesale distributor, or pharmacy from a nation other than Canada to export prescription drugs into the state under the program if certain conditions are met.

If, upon the satisfaction of these conditions, the department decides to expand the program, the executive director of the department shall notify the president of the senate and the speaker of the house of representatives, as well as the health and human services committee of the senate and the health and insurance committee of the house of representatives, or any successor committees, of the department's intent to do so. The executive director shall provide the notice at least 30 days before the program is expanded, and the notice may include any recommendations of the department for legislation to amend the program to reflect its expansion.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-2.5-208 as  
3 follows:

4 **25.5-2.5-208. Expansion of program to include additional**  
5 **foreign suppliers - federal action required - notice to general**  
6 **assembly.** (1) NOTWITHSTANDING ANY PROVISION OF THIS PART 2 TO THE  
7 CONTRARY, THE STATE DEPARTMENT MAY EXPAND THE PROGRAM TO  
8 ALLOW A MANUFACTURER, WHOLESALE DISTRIBUTOR, OR PHARMACY  
9 FROM A NATION OTHER THAN CANADA TO EXPORT PRESCRIPTION DRUGS  
10 INTO THE STATE UNDER THE PROGRAM IF:

11 (a) THE MANUFACTURER, WHOLESALE DISTRIBUTOR, OR  
12 PHARMACY IS APPROPRIATELY LICENSED OR PERMITTED UNDER THAT  
13 NATION'S LAWS AND REGULATIONS PERTAINING TO THE MANUFACTURING,  
14 DISTRIBUTION, OR DISPENSING OF PRESCRIPTION DRUGS;

1           (b) THE MANUFACTURER, WHOLESale DISTRIBUTOR, OR  
2 PHARMACY HAS BEEN IDENTIFIED BY A VENDOR WITH WHICH THE STATE  
3 DEPARTMENT HAS CONTRACTED PURSUANT TO SECTION 25.5-2.5-203 (1)  
4 AS A SUPPLIER THAT SATISFIES THE REQUIREMENTS OF THE PROGRAM AND  
5 WILL EXPORT PRESCRIPTION DRUGS AT PRICES THAT WILL PROVIDE COST  
6 SAVINGS TO THE STATE;

7           (c) THE UNITED STATES CONGRESS ENACTS LEGISLATION TO  
8 AMEND 21 U.S.C. SEC. 384 OR OTHERWISE ENACTS LEGISLATION TO  
9 PERMIT STATES, INCLUDING COLORADO, TO IMPORT PRESCRIPTION DRUGS  
10 FROM FOREIGN COUNTRIES OTHER THAN CANADA; AND

11           (d) THE MANUFACTURER, WHOLESale DISTRIBUTOR, OR  
12 PHARMACY IS LOCATED IN A NATION THAT IS APPROVED TO EXPORT  
13 PRESCRIPTION DRUGS INTO COLORADO BY THE UNITED STATES  
14 SECRETARY OF HEALTH AND HUMAN SERVICES OR BY ANOTHER  
15 AUTHORITY THAT IS DESIGNATED FOR SUCH PURPOSE BY FEDERAL LAW.

16           (2) IF, UPON THE SATISFACTION OF THE CONDITIONS DESCRIBED IN  
17 SUBSECTION (1) OF THIS SECTION, THE STATE DEPARTMENT DECIDES TO  
18 EXPAND THE PROGRAM TO ALLOW A MANUFACTURER, WHOLESale  
19 DISTRIBUTOR, OR PHARMACY FROM A NATION OTHER THAN CANADA TO  
20 EXPORT PRESCRIPTION DRUGS INTO THE STATE UNDER THE PROGRAM, THE  
21 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL NOTIFY THE  
22 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
23 REPRESENTATIVES, AS WELL AS THE HEALTH AND HUMAN SERVICES  
24 COMMITTEE OF THE SENATE AND THE HEALTH AND INSURANCE COMMITTEE  
25 OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, OF  
26 THE STATE DEPARTMENT'S INTENT TO DO SO. THE EXECUTIVE DIRECTOR  
27 SHALL PROVIDE THE NOTICE AT LEAST THIRTY DAYS BEFORE THE PROGRAM

1 IS EXPANDED, AND THE NOTICE MAY INCLUDE ANY RECOMMENDATIONS OF  
2 THE STATE DEPARTMENT FOR LEGISLATION TO AMEND THIS PART 2 TO  
3 REFLECT THE EXPANSION OF THE PROGRAM.

4           **SECTION 2. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly (August  
7 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
8 referendum petition is filed pursuant to section 1 (3) of article V of the  
9 state constitution against this act or an item, section, or part of this act  
10 within such period, then the act, item, section, or part will not take effect  
11 unless approved by the people at the general election to be held in  
12 November 2020 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.