

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-1151.01 Richard Sweetman x4333

SENATE BILL 24-203

SENATE SPONSORSHIP

Ginal and Kirkmeyer, Michaelson Jenet, Smallwood, Will, Zenzinger

HOUSE SPONSORSHIP

Hartsook and Ortiz, Bird, Bradfield, Brown, deGruy Kennedy, Pugliese, Young

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE COLORADO PRESCRIPTION DRUG**
102 **AFFORDABILITY REVIEW BOARD TO CONSIDER INPUT FROM THE**
103 **COLORADO RARE DISEASE ADVISORY COUNCIL UNDER CERTAIN**
104 **CIRCUMSTANCES.**

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>.)

Current law requires the Colorado prescription drug affordability review board (board) to take certain measures in determining whether to conduct an affordability review for an identified prescription drug. The

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

SENATE
2nd Reading Unamended
April 22, 2024

bill requires the board, in making such a determination, to consider whether the drug has an approved orphan drug designation for one or more rare diseases and no other indications and, if so, to consider input from consumers and the Colorado rare disease advisory council (council).

Current law requires the board, in performing an affordability review, to consider certain information. The bill requires the board to consider input from the council.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-1406, **amend**
3 (2)(c), (2)(d), and (4)(h); and **add** (2)(e) as follows:

4 **10-16-1406. Colorado prescription drug affordability review**
5 **board - affordability reviews of prescription drugs - repeal.** (2) After
6 identifying prescription drugs as described in subsection (1) of this
7 section, the board shall determine whether to conduct an affordability
8 review for each identified prescription drug by:

9 (c) Seeking and considering input from the advisory council about
10 the prescription drug; ~~and~~

11 (d) Considering the average patient's out-of-pocket cost for the
12 prescription drug; AND

13 (e) CONSIDERING WHETHER THE DRUG HAS AN APPROVED ORPHAN
14 DRUG DESIGNATION FOR ONE OR MORE RARE DISEASES AND NO OTHER
15 INDICATIONS AND, IF SO, CONSIDERING INPUT FROM CONSUMERS AND THE
16 COLORADO RARE DISEASE ADVISORY COUNCIL CREATED IN SECTION
17 25-1-1503.

18 (4) In performing an affordability review, to the extent
19 practicable, the board shall consider:

20 (h) Input from:

21 (I) Patients and caregivers affected by the condition or disease that
22 is treated by the prescription drug that is under review by the board; ~~and~~

1 (II) Individuals who possess scientific or medical training with
2 respect to a condition or disease treated by the prescription drug that is
3 under review by the board; AND

4 (III) THE RARE DISEASE ADVISORY COUNCIL CREATED IN SECTION
5 25-1-1503.

6 **SECTION 2.** In Colorado Revised Statutes, 25-1-1505, **amend**
7 (3)(d) and (3)(e); and **add** (3)(f) as follows:

8 **25-1-1505. Activities carried out by the council - duties.** (3) In
9 addition to any other council activities, the council may:

10 (d) Publicize its findings and recommendations concerning the
11 needs of individuals with rare diseases living in Colorado and advocate
12 on behalf of the council for its recommended actions; ~~and~~

13 (e) Seek, accept, and expend gifts, grants, and donations for
14 purposes of carrying out the duties of the council; AND

15 (f) OFFER INPUT TO THE COLORADO PRESCRIPTION DRUG
16 AFFORDABILITY REVIEW BOARD, AS DESCRIBED IN SECTION 10-16-1406
17 (2)(e) AND (4)(h)(III).

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2024 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.