

CHAPTER 342

INSURANCE

SENATE BILL 26-006

BY SENATOR(S) Amabile and Kirkmeyer, Bright, Catlin, Cutter, Frizell, Pelton B., Wallace, Coleman;
also REPRESENTATIVE(S) Brown and Taggart, Bacon, Boesenecker, Duran, McCormick, Sirota, Smith.

AN ACT

CONCERNING PARITY FOR THE USE OF NON-OPIOID PAIN MANAGEMENT DRUGS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 10-16-145.5, **add** (2.5) as follows:

10-16-145.5. Step therapy - prior authorization - prohibited - stage four advanced metastatic cancer - non-opioid pain management drug - definitions.

(2.5) (a) NOTWITHSTANDING SECTION 10-16-145, A CARRIER THAT PROVIDES PRESCRIPTION DRUG BENEFITS SHALL REQUIRE THAT:

(I) THE UTILIZATION REVIEW REQUIREMENTS, INCLUDING PRIOR AUTHORIZATION AND STEP THERAPY, FOR A NON-OPIOID DRUG PRESCRIBED AND APPROVED BY THE FDA FOR THE TREATMENT OR MANAGEMENT OF CHRONIC OR ACUTE PAIN ARE NO MORE RESTRICTIVE THAN THE LEAST RESTRICTIVE UTILIZATION REVIEW REQUIREMENTS FOR OPIOID DRUGS PRESCRIBED FOR THE TREATMENT OR MANAGEMENT OF CHRONIC OR ACUTE PAIN; AND

(II) THE COST-SHARING, COPAYMENT, OR DEDUCTIBLE FOR A NON-OPIOID DRUG PRESCRIBED FOR THE TREATMENT OR MANAGEMENT OF CHRONIC OR ACUTE PAIN IS NO GREATER THAN THE COST-SHARING, COPAYMENT, OR DEDUCTIBLE FOR AN OPIOID DRUG PRESCRIBED FOR THE TREATMENT OR MANAGEMENT OF CHRONIC OR ACUTE PAIN.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (2.5)(b)(II) OF THIS SECTION, ALL INDIVIDUAL AND SMALL GROUP HEALTH BENEFIT PLANS ISSUED OR RENEWED IN THIS STATE ON OR AFTER JANUARY 1, 2027, SHALL ENSURE THERE IS AT LEAST ONE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

NON-OPIOID PRESCRIPTION DRUG AVAILABLE AS A CLINICALLY APPROPRIATE ALTERNATIVE FOR AN OPIOID PRESCRIPTION DRUG.

(II) SUBSECTION (2.5)(b)(I) OF THIS SECTION IS INOPERATIVE AND THE STATE SHALL NOT ASSUME AN OBLIGATION FOR THE COVERAGE REQUIRED PURSUANT TO SUBSECTION (2.5)(b)(I) OF THIS SECTION IF THE DIVISION DETERMINES THAT THE BENEFIT SPECIFIED IN SUBSECTION (2.5)(b)(I) OF THIS SECTION REQUIRES STATE DEFRAID OF THE COST OF COVERAGE PURSUANT TO A PROVISION OF THE FEDERAL ACT, INCLUDING 42 U.S.C. SEC. 18031 (d)(3)(B) OR A SUCCESSOR PROVISION, AND THE IMPLEMENTING REGULATIONS OR THE STATE IS OTHERWISE REQUIRED TO DEFRAID THE COST OF COVERAGE REQUIRED PURSUANT TO SUBSECTION (2.5)(b)(I) OF THIS SECTION.

(III) ALL LARGE EMPLOYER HEALTH BENEFIT PLANS ISSUED OR RENEWED IN THIS STATE ON AND AFTER JANUARY 1, 2028, SHALL ENSURE THERE IS AT LEAST ONE NON-OPIOID PRESCRIPTION DRUG AVAILABLE AS A CLINICALLY APPROPRIATE ALTERNATIVE FOR AN OPIOID PRESCRIPTION DRUG.

(IV) THE COVERAGE REQUIRED BY THIS SUBSECTION (2.5) MAY BE OFFERED THROUGH A HIGH DEDUCTIBLE PLAN THAT WOULD QUALIFY FOR A HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC. 223; EXCEPT THAT A CARRIER MAY APPLY DEDUCTIBLE AMOUNTS FOR THE REQUIRED COVERAGE IF IT IS NOT CONSIDERED BY THE UNITED STATES DEPARTMENT OF THE TREASURY TO BE PREVENTIVE OR TO HAVE AN ACCEPTABLE DEDUCTIBLE.

(c) THIS SUBSECTION (2.5) DOES NOT APPLY TO A GROUP BENEFIT PLAN ISSUED PURSUANT TO THE "STATE EMPLOYEE GROUP BENEFITS ACT", PART 6 OF ARTICLE 50 OF TITLE 24.

SECTION 2. Appropriation. For the 2026-27 state fiscal year, \$15,415 is appropriated to the department of regulatory agencies for use by the division of insurance. This appropriation is from the division of insurance cash fund created in section 10-1-103 (3)(a)(I), C.R.S., and is based on an assumption that the division will require an additional 0.2 FTE. To implement this act, the division may use this appropriation for personal services.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 3, 2026