

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0852.02 Kristen Forrestal x4217

**SENATE BILL 17-203**

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**SENATE SPONSORSHIP**

**Todd**, Coram, Aguilar, Crowder, Kefalas

**HOUSE SPONSORSHIP**

**Covarrubias and Kennedy**,

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE PROHIBITION AGAINST A CARRIER REQUIRING A**  
102                    **COVERED PERSON TO UNDERGO STEP THERAPY WHEN THE**  
103                    **COVERED PERSON HAS ALREADY TRIED A STEP-THERAPY**  
104                    **REQUIRED DRUG.**

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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>.)*

The bill prohibits a carrier from requiring a covered person to undergo step therapy:

!      When being treated for a terminal condition; or

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

! If the covered person has tried a step-therapy-required drug under a health benefit plan and the drug was discontinued by the manufacturer.

A carrier that requires step therapy must have an override process for health care providers.

"Step therapy" is defined as a protocol that requires a covered person to use a prescription drug or sequence of prescription drugs, other than the drug that the covered person's health care provider recommends for the covered person's treatment, before the carrier provides coverage for the recommended drug.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 10-16-145 as follows:

**10-16-145. Step therapy - prohibited - definitions.** (1) FOR THE PURPOSES OF THIS SECTION, "STEP        THERAPY" MEANS A PROTOCOL THAT REQUIRES A COVERED PERSON TO USE A PRESCRIPTION DRUG OR SEQUENCE OF PRESCRIPTION DRUGS, OTHER THAN THE DRUG THAT THE COVERED PERSON'S HEALTH CARE PROVIDER RECOMMENDS FOR THE COVERED PERSON'S TREATMENT, BEFORE THE CARRIER PROVIDES COVERAGE FOR THE RECOMMENDED PRESCRIPTION DRUG.

      

(2) A CARRIER SHALL NOT REQUIRE A COVERED PERSON TO UNDERGO STEP THERAPY, AND SHALL PROVIDE COVERAGE FOR THE DRUG PRESCRIBED BY THE COVERED PERSON'S HEALTH CARE PROVIDER AS LONG AS THE PRESCRIBED DRUG IS ON THE CARRIER'S PRESCRIPTION DRUG FORMULARY, WHEN THE               COVERED PERSON HAS TRIED THE STEP-THERAPY-REQUIRED PRESCRIPTION DRUG WHILE UNDER HIS OR HER CURRENT OR PREVIOUS HEALTH INSURANCE OR HEALTH BENEFIT PLAN, AND THE    DRUG WAS DISCONTINUED    DUE TO LACK OF EFFECTIVENESS OR AN ADVERSE EVENT.

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**SECTION 2. Act subject to petition - effective date.** This act takes effect September 1, 2017; 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 the ninety-day period after final adjournment of the general assembly, 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.